

1 A bill to be entitled
2 An act relating to transportation; amending s.
3 20.23, F.S.; requiring the Turnpike District to
4 relocate to Sumter County in fiscal year 2000;
5 amending s. 206.606, F.S.; revising the
6 distribution of certain fuel tax proceeds;
7 renumbering and amending s. 335.166, F.S.;
8 transferring responsibility for welcome
9 centers' staff to the Florida Commission on
10 Tourism; requiring a study of toll road
11 agencies and the Turnpike District by the
12 Florida Transportation Commission; renumbering
13 and amending s. 334.065, F.S.; revising
14 provisions related to the funding source and
15 the advisory board of the Center for Urban
16 Transportation Research; amending s. 316.003,
17 F.S.; defining the term "neighborhood vehicle";
18 amending s. 316.063, F.S.; changing the term
19 "accident" to "crash"; revising the penalty for
20 obstructing traffic upon damaging an unattended
21 vehicle or other property; creating s.
22 316.0815, F.S.; giving public transit buses the
23 right-of-way when reentering the traffic flow;
24 amending s. 316.091, F.S.; providing that on
25 specified highways certain commercial vehicles
26 may drive only in certain lanes; amending s.
27 316.1967, F.S.; reduces the number of
28 outstanding parking violations which trigger
29 the county clerk to report to the Department of
30 Highway Safety and Motor Vehicles; amending s.
31 316.2055, F.S.; providing a uniform reference

1 to the penalty for a pedestrian noncriminal
 2 traffic offense punishable under chapter 318,
 3 F.S.; amending s. 316.555, F.S.; exempting
 4 certain silvicultural and agricultural vehicles
 5 and equipment from weight restrictions on
 6 county roads; amending s. 318.15, F.S.;
 7 providing for payment of a certain service fee
 8 to tax collector; amending s. 318.18, F.S.;
 9 providing that fines for construction zone
 10 speed violations shall only be doubled under
 11 certain circumstances; amending s. 320.01,
 12 F.S.; defining the term "agricultural
 13 products"; amending s. 320.04, F.S.; providing
 14 a service charge for validation stickers issued
 15 by printer dispenser machines; amending s.
 16 320.055, F.S.; revising registration renewal
 17 period for certain vehicles; providing for
 18 staggered fleet registration; repealing s.
 19 320.065, F.S., relating to the registration of
 20 certain rental trailers for hire and
 21 semitrailers used to haul agricultural
 22 products; amending s. 320.0657, F.S.; defining
 23 the term "fleet"; providing registration fees;
 24 providing penalties for late or improper
 25 registration; amending s. 320.0715, F.S.;
 26 exempting certain commercial motor vehicles
 27 from the International Registration Plan;
 28 creating s. 321.045, F.S.; establishing the
 29 mission and program objectives of the Florida
 30 Highway Patrol; amending s. 20.18, F.S.;
 31 creating the Division of Factory-built Housing

1 in the Department of Community Affairs;
 2 providing a mission statement for the
 3 department; transferring certain powers,
 4 duties, functions, personnel, property, and
 5 appropriations of the department to the
 6 division; transferring certain powers, duties,
 7 functions, personnel, property, and
 8 appropriations of the Department of Highway
 9 Safety and Motor Vehicles to the division;
 10 authorizing the Department of Community Affairs
 11 and the Department of Highway Safety and Motor
 12 Vehicles to enter into agreements to effectuate
 13 such transfers; providing for transfer of the
 14 mobile home portion of the Mobile Home and
 15 Recreational Vehicle Protection Trust Fund into
 16 the department's operating trust fund for
 17 certain purposes; transferring the portion of
 18 the Highway Safety Operating Trust Fund
 19 relating to mobile homes into the department's
 20 operating trust fund for certain purposes;
 21 amending s. 320.781, F.S., to conform; amending
 22 s. 553.36, F.S.; providing a definition;
 23 amending s. 553.38, F.S.; providing
 24 responsibility of the Division of Factory-built
 25 Housing to administer part IV of chapter 553,
 26 F.S.; creating ss. 553.431, 553.4315, 553.433,
 27 553.434, 553.435, 553.4365, 553.437, 553.438,
 28 553.446, 553.448, 553.449, 553.450, 553.451,
 29 553.452, 553.453, 553.455, 553.456, 553.457,
 30 and 553.458, F.S.; recreating certain
 31 provisions under chapter 320, F.S., within part

1 IV of chapter 553, F.S., to conform;
 2 transferring and renumbering ss. 320.823,
 3 320.8335, and 320.840, F.S., to conform;
 4 transferring, renumbering, and amending ss.
 5 320.77, 320.8255, 320.827, 320.8285, 320.830,
 6 320.831, 320.8325, F.S., to conform; requiring
 7 the division to adopt rules on manufactured
 8 housing installation systems; requiring the
 9 development of certain standards for park
 10 trailers; amending s. 320.8249, F.S., to
 11 conform; limiting certain local government's
 12 ability to charge certain permit fees relating
 13 to mobile home parks; amending ss. 161.55,
 14 319.001, 320.131, 320.27, 320.28, 320.71,
 15 320.781, 320.822, 320.8225, 320.8231, 320.8232,
 16 320.824, 320.8245, 320.8256, 320.8285, 320.834,
 17 320.835, 320.861, 320.865, 325.202, 325.203,
 18 325.213, and 627.351, F.S., to conform;
 19 repealing s. 320.771(8) and (11), F.S.,
 20 relating to licensed mobile home dealers
 21 selling recreational vehicles and licensed
 22 recreational vehicle dealers setting up mobile
 23 homes; amending s. 322.1615, F.S.; revising
 24 language with respect to nighttime driving
 25 restrictions for persons with learner's driver
 26 licenses; amending s. 331.304, F.S.; revising
 27 the boundaries of spaceport territory; adding
 28 certain property located in Santa Rosa,
 29 Okaloosa, and Walton Counties to spaceport
 30 territory; amending 322.28, F.S.; revising
 31 language with respect to judicial stays on

1 administrative suspensions of driving
 2 privileges; amending s. 332.003, F.S.;
 3 correcting a reference; amending s. 332.004,
 4 F.S.; redefining the terms "airport" and
 5 "airport or aviation discretionary capacity
 6 improvement projects"; amending s. 332.007,
 7 F.S.; directing the department to provide
 8 priority funding for commercial and dual-use
 9 space transportation projects; creating s.
 10 332.009, F.S.; amending s. 334.044, F.S.;
 11 providing specific rule-making authority;
 12 repealing s. 334.044(15), F.S., relating to
 13 certain rulemaking authority; providing for
 14 application; amending s. 334.0445, F.S.;
 15 extending the time period for the model career
 16 service classification plan in the Department
 17 of Transportation; amending s. 335.0415, F.S.;
 18 modifying the date on which jurisdiction and
 19 responsibility for public roads is determined;
 20 repealing s. 335.165, F.S., relating to welcome
 21 stations; amending s. 337.11, F.S.; deleting a
 22 requirement for contract approval by a
 23 contractor's surety; amending s. 337.185, F.S.;
 24 revising the State Arbitration Board contract
 25 claim program; amending s. 337.19, F.S.;
 26 revising provisions relating to suits by and
 27 against the Department of Transportation and
 28 the liability of the department; amending s.
 29 337.403, F.S.; authorizing the department to
 30 participate in the cost of clearing and
 31 grubbing necessary to perform utility

1 improvement, relocation, or removal work under
 2 certain circumstances; amending s. 338.229,
 3 F.S.; authorizing the department to provide
 4 restrictions on the sale, transfer, lease, or
 5 other disposition or operation of any portion
 6 of the turnpike system which reduces the
 7 revenue available for the payment of
 8 bondholders; amending s. 479.01, F.S.;
 9 redefining the terms "commercial or industrial
 10 zone" and "unzoned commercial or industrial
 11 area"; amending s. 479.07, F.S.; revising
 12 provisions relating to reinstatement of expired
 13 outdoor advertising permits; amending s.
 14 479.16, F.S.; increasing the square footage
 15 allowable on certain signs; amending chapter
 16 96-423, Laws of Florida; authorizing the
 17 department to sell certain state property and
 18 directing the proceeds of the sale to the State
 19 Transportation Trust Fund; providing
 20 appropriations; amending s. 832.06, F.S.;
 21 providing procedures for receipt by tax
 22 collector of worthless check or draft for
 23 driver license or identification card; amending
 24 ss. 319.23, 320.08, and 320.086, F.S.; deleting
 25 reference to collectible vehicles; revising
 26 dates with respect to certain ancient or
 27 antique motor vehicles; exempting certain
 28 vehicles from the act; providing for the
 29 issuance of license plates to certain ancient
 30 or antique firefighting apparatus or motor
 31

1 vehicles; providing an appropriation; providing
2 effective dates.

3
4 Be It Enacted by the Legislature of the State of Florida:

5
6 Section 1. Paragraph (a) of subsection (4) of section
7 20.23, Florida Statutes, is amended to read:

8 20.23 Department of Transportation.--There is created
9 a Department of Transportation which shall be a decentralized
10 agency.

11 (4)(a) The operations of the department shall be
12 organized into eight districts, including a turnpike district,
13 each headed by a district secretary. The district secretaries
14 shall report to the Assistant Secretary for District
15 Operations. The headquarters of the districts shall be located
16 in Polk, Columbia, Washington, Broward, Volusia, Dade,
17 Hillsborough, and Leon Counties. The turnpike district must be
18 relocated to Sumter ~~Orange~~ County in the year 2000. In order
19 to provide for efficient operations and to expedite the
20 decisionmaking process, the department shall provide for
21 maximum decentralization to the districts. However, before
22 making a decision to centralize or decentralize department
23 operations or relocate the turnpike district, the department
24 must first determine if the decision would be cost-effective
25 and in the public's best interest. The department shall
26 periodically evaluate such decisions to ensure that they are
27 appropriate.

28 Section 2. Section 206.606, Florida Statutes, is
29 amended to read:

30 206.606 Distribution of certain proceeds.--
31

1 ~~(1)~~ Moneys collected pursuant to ss. 206.41(1)(g) and
2 206.87(1)(e) shall be deposited in the Fuel Tax Collection
3 Trust Fund created by s. 206.875. Such moneys, exclusive of
4 the service charges imposed by s. 215.20, and exclusive of
5 refunds granted pursuant to s. 206.41, shall be distributed
6 monthly to the State Transportation Trust Fund, except that:

7 (1)~~(a)~~ \$7.55 million shall be transferred to the
8 Department of Environmental Protection in each fiscal year.
9 The transfers must be made in equal monthly amounts beginning
10 on July 1 of each fiscal year. \$1.25 million of the amount
11 transferred shall be deposited annually in the Marine
12 Resources Conservation Trust Fund and must be used by the
13 department to fund special projects to provide recreational
14 channel marking, public launching facilities, and other
15 boating-related activities. The department shall annually
16 determine where unmet needs exist for boating-related
17 activities, and may fund such activities in counties where,
18 due to the number of vessel registrations, insufficient
19 financial resources are available to meet total water resource
20 needs. The remaining proceeds of the annual transfer shall be
21 deposited in the Aquatic Plant Control Trust Fund and must be
22 used for aquatic plant management, including nonchemical
23 control of aquatic weeds, research into nonchemical controls,
24 and enforcement activities. Beginning in fiscal year
25 1993-1994, the department shall allocate at least \$1 million
26 of such funds to the eradication of melaleuca.

27 (2)~~(b)~~ \$1.25 million shall be transferred to the State
28 Game Trust Fund in the Game and Fresh Water Fish Commission in
29 each fiscal year. The transfers must be made in equal monthly
30 amounts beginning on July 1 of each fiscal year, and must be
31 used for recreational boating activities of a type consistent

1 with projects eligible for funding under the Florida Boating
2 Improvement Program administered by the Department of
3 Environmental Protection, and freshwater fisheries management
4 and research.

5 ~~(c) \$1.5 million per year shall be transferred to the~~
6 ~~Board of Regents and shall be spent solely for purposes of s.~~
7 ~~334.065.~~

8 ~~(2) Not less than 10 percent of the moneys deposited~~
9 ~~in the State Transportation Trust Fund pursuant to this~~
10 ~~section shall be allocated by the Department of Transportation~~
11 ~~for public transit and rail capital projects, including~~
12 ~~service development projects, as defined in s. 341.031(7) and~~
13 ~~(8), unless otherwise provided in the General Appropriations~~
14 ~~Act.~~

15 Section 3. Effective July 1, 2000, subsection (1) of
16 section 206.606, Florida Statutes, as amended by chapter
17 96-321, Laws of Florida, is amended to read:

18 206.606 Distribution of certain proceeds.--

19 ~~(1)~~ Moneys collected pursuant to ss. 206.41(1)(g) and
20 206.87(1)(e) shall be deposited in the Fuel Tax Collection
21 Trust Fund. Such moneys, after deducting the service charges
22 imposed by s. 215.20, the refunds granted pursuant to s.
23 206.41, and the administrative costs incurred by the
24 department in collecting, administering, enforcing, and
25 distributing the tax, which administrative costs may not
26 exceed 2 percent of collections, shall be distributed monthly
27 to the State Transportation Trust Fund, except that+

28 ~~(a) \$7.55 million shall be transferred to the~~
29 ~~Department of Environmental Protection in each fiscal year.~~
30 ~~The transfers must be made in equal monthly amounts beginning~~
31 ~~on July 1 of each fiscal year. \$1.25 million of the amount~~

1 ~~transferred shall be deposited annually in the Marine~~
 2 ~~Resources Conservation Trust Fund and must be used by the~~
 3 ~~department to fund special projects to provide recreational~~
 4 ~~channel marking, public launching facilities, and other~~
 5 ~~boating-related activities. The department shall annually~~
 6 ~~determine where unmet needs exist for boating-related~~
 7 ~~activities, and may fund such activities in counties where,~~
 8 ~~due to the number of vessel registrations, insufficient~~
 9 ~~financial resources are available to meet total water resource~~
 10 ~~needs. The remaining proceeds of the annual transfer shall be~~
 11 ~~deposited in the Aquatic Plant Control Trust Fund and must be~~
 12 ~~used for aquatic plant management, including nonchemical~~
 13 ~~control of aquatic weeds, research into nonchemical controls,~~
 14 ~~and enforcement activities. Beginning in fiscal year~~
 15 ~~1993-1994, the department shall allocate at least \$1 million~~
 16 ~~of such funds to the eradication of melaleuca.~~

17 **(b)** \$1.25 million shall be transferred to the State
 18 Game Trust Fund in the Game and Fresh Water Fish Commission in
 19 each fiscal year. The transfers must be made in equal monthly
 20 amounts beginning on July 1 of each fiscal year, and must be
 21 used for recreational boating activities of a type consistent
 22 with projects eligible for funding under the Florida Boating
 23 Improvement Program administered by the Department of
 24 Environmental Protection, and freshwater fisheries management
 25 and research.

26 **(c)** ~~\$1.5 million per year shall be transferred to the~~
 27 ~~Board of Regents and shall be spent solely for purposes of s.~~
 28 ~~334.065.~~

29 Section 4. Section 335.166, Florida Statutes, is
 30 renumbered as section 228.125, Florida Statutes, and amended
 31 to read:

1 ~~228.125 335.166~~ Welcome Centers Office.--

2 (1) Effective July 1, 1999, responsibility for tThe
3 Welcome Centers Office staff is assigned to the Florida
4 Commission on Tourism which shall contract with its
5 direct-support organization to employ all welcome center
6 staff, who shall no longer be state employees after June 30,
7 1999. All welcome center staff shall be offered employment
8 with the direct-support organization at the same salary they
9 received at the Department of Transportation, but with the
10 benefits provided by the direct-support organization to its
11 employees.

12 (2) The Florida Commission on Tourism shall provide
13 direction for the administration of the Welcome Centers Office
14 and direction for the operation of the welcome
15 centers. ~~Funding for the office shall be solely from the~~
16 ~~rental car surcharge provided to the Tourism Promotional Trust~~
17 ~~Fund pursuant to s. 212.0606(2), through a nonoperating~~
18 ~~transfer to the State Transportation Trust Fund or contract~~
19 ~~with the commission or the commission's direct support~~
20 ~~organization.~~

21 Section 5. The Florida Transportation Commission shall
22 review the role and effectiveness in meeting the state's
23 transportation needs of all state toll road agencies created
24 pursuant to chapter 348, Florida Statutes, and the Turnpike
25 District of the Florida Department of Transportation. As part
26 of its review, the commission shall identify current and
27 planned activities of existing state toll road agencies and
28 shall make findings as to each agency's present and planned
29 contributions to increasing the capacity and
30 interconnectedness of the state highway network. The study may
31 also include an evaluation of the effectiveness and efficiency

1 of the processes used in all phases of project development and
2 toll road management. The study may also include an analysis
3 of the ability of the agencies to forge partnerships with all
4 levels of government and the private sector and the benefits,
5 if any, of such partnerships. The commission shall report its
6 findings and recommendations to the President of the Senate,
7 the Speaker of the House of Representatives and the Governor
8 on or before October 1, 1999. In developing its report, the
9 commission shall hold at least three public hearings in areas
10 of the state currently served by an agency identified in this
11 section.

12 Section 6. Section 334.065, Florida Statutes, is
13 renumbered as section 240.80, Florida Statutes, and amended to
14 read:

15 240.80 ~~334.065~~ Center for Urban Transportation
16 Research.--

17 (1) There is established at the University of South
18 Florida the Florida Center for Urban Transportation Research,
19 to be administered by the Board of Regents and the State
20 University System. The responsibilities of the center
21 include, but are not limited to, conducting and facilitating
22 research on issues related to urban transportation problems in
23 this state and serving as an information exchange and
24 depository for the most current information pertaining to
25 urban transportation and related issues.

26 (2) The center shall be a continuing resource for the
27 Legislature, the Department of Transportation, local
28 governments, the nation's metropolitan regions, and the
29 private sector in the area of urban transportation and related
30 research and shall generate support in addition to any ~~its~~
31 state-funded ~~base of support provided by s. 206.606.~~ The

1 center shall promote intercampus transportation and related
2 research activities among Florida's universities in order to
3 enhance the ability of these universities to attract federal
4 and private sector funding for transportation and related
5 research.

6 (3) An advisory board shall be created to periodically
7 and objectively review and advise the center concerning its
8 research program. ~~Except for projects mandated by law,~~
9 ~~state-funded base projects shall not be undertaken without~~
10 ~~approval of the advisory board. The membership of the board~~
11 ~~shall consist of nine experts in transportation-related areas,~~
12 ~~including the secretaries of the Florida Departments of~~
13 ~~Transportation, Community Affairs, and Environmental~~
14 ~~Protection, or their designees, and a member of the Florida~~
15 ~~Transportation Commission.~~The nomination of the remaining
16 members of the board shall be made to the President of the
17 University of South Florida by the College of Engineering at
18 the University of South Florida, and the appointment of these
19 members must be reviewed ~~and approved by the Florida~~
20 ~~Transportation Commission~~ and confirmed by the Board of
21 Regents.

22 (4) The center shall develop a budget pursuant to
23 chapter 216. This budget shall be submitted to the Governor
24 along with the budget of the Board of Regents.

25 Section 7. Subsection (82) is added to section
26 316.003, Florida Statutes, to read:

27 316.003 Definitions.--The following words and phrases,
28 when used in this chapter, shall have the meanings
29 respectively ascribed to them in this section, except where
30 the context otherwise requires:
31

1 (82) "Neighborhood vehicle" means a type of golf cart
2 that is a self-propelled, electrically powered motor vehicle,
3 which is emission free, designed to be and is operated at
4 speeds of 25 miles per hour or less, has at least four wheels
5 in contact with the ground, has an unloaded weight of less
6 than 1,800 pounds, and is equipped with efficient brakes,
7 headlights, brakelights, turnsignals, windshield, rear view
8 mirrors, and safety belts.

9 Section 8. Section 316.063, Florida Statutes, is
10 amended to read:

11 316.063 Duty upon damaging unattended vehicle or other
12 property.--

13 (1) The driver of any vehicle which collides with, or
14 is involved in a crash ~~an accident~~ with, any vehicle or other
15 property which is unattended, resulting in any damage to such
16 other vehicle or property, shall immediately stop and shall
17 then and there either locate and notify the operator or owner
18 of the vehicle or other property of the driver's name and
19 address and the registration number of the vehicle he or she
20 is driving, or shall attach securely in a conspicuous place in
21 or on the vehicle or other property a written notice giving
22 the driver's name and address and the registration number of
23 the vehicle he or she is driving, and shall without
24 unnecessary delay notify the nearest office of a duly
25 authorized police authority. ~~Every such stop shall be made~~
26 ~~without obstructing traffic more than is necessary. If a~~
27 ~~damaged vehicle is obstructing traffic, the driver shall make~~
28 ~~every reasonable effort to move the vehicle or have it moved~~
29 ~~so as not to obstruct the regular flow of traffic.~~Any person
30 who fails to comply with this subsection commits a misdemeanor
31

1 of the second degree, punishable as provided in s. 775.082 or
2 s. 775.083.

3 (2) Every such stop shall be made without obstructing
4 traffic more than is necessary. If a damaged vehicle is
5 obstructing traffic, the driver shall make every reasonable
6 effort to move the vehicle or have it moved so as not to
7 obstruct the regular flow of traffic. A violation of this
8 subsection is a noncriminal traffic infraction, punishable as
9 a nonmoving violation as provided in chapter 318.

10 (3) The law enforcement officer at the scene of a
11 ~~crash~~ an accident required to be reported in accordance with
12 the provisions of subsection (1) or the law enforcement
13 officer receiving a report by a driver as required by
14 subsection (1) shall, if part or any of the property damaged
15 is a fence or other structure used to house or contain
16 livestock, promptly make a reasonable effort to notify the
17 owner, occupant, or agent of this damage.

18 Section 9. Section 316.0815, Florida Statutes, is
19 created to read:

20 316.0815 Duty to yield to public transit vehicles.--

21 (1) The driver of a vehicle shall yield the
22 right-of-way to a publicly owned transit bus traveling in the
23 same direction which has signaled and is reentering the
24 traffic flow.

25 (2) This section does not relieve the driver of a
26 public transit vehicle from the duty to drive with due regard
27 for the safety of all persons using the roadway.

28 Section 10. Subsection (5) is added to section
29 316.091, Florida Statutes, to read:

30 316.091 Limited access facilities; interstate
31 highways; use restricted.--

1 (5) A person may drive a commercial motor vehicle
2 having a gross vehicle weight of 26,001 pounds or more or 3
3 axles or more, or a combination of vehicles weighing 26,001
4 pounds or more, upon any limited access facility with six or
5 more lanes only in the two right through lanes, except when
6 exiting the facility. However, in congested urban areas the
7 Department of Transportation may allow commercial motor
8 vehicles to operate in additional lanes when necessary for the
9 safe flow of traffic.

10 Section 11. Subsection (6) of section 316.1967,
11 Florida Statutes, is amended to read:

12 (6) Any county or municipality may provide by
13 ordinance that the clerk of the court or traffic bureau shall
14 supply the department with a magnetically encoded computer
15 tape reel or cartridge or send by other electronic means data
16 which is machine readable by the installed computer system at
17 the department, listing persons who have two ~~three~~ or more
18 outstanding parking violations, including violations of s.
19 316.1955. Each county shall provide by ordinance that the
20 clerk of the court or the traffic violations bureau shall
21 supply the department with a magnetically encoded computer
22 tape reel or cartridge or send by other electronic means data
23 that is machine readable by the installed computer system at
24 the department, listing persons who have outstanding
25 violations of s. 316.1955 or similar ordinance that regulates
26 parking in spaces designated for use by persons who have
27 disabilities. The department shall mark the appropriate
28 registration record of persons who are so reported. Section
29 320.03(8) applies to each person whose name appears on the
30 list.

31

1 Section 12. Section 316.2055, Florida Statutes, is
2 amended to read:

3 316.2055 Motor vehicles, throwing advertising
4 materials in.--It is unlawful for any person on a public
5 street, highway, or sidewalk in the state to throw into, or
6 attempt to throw into, any motor vehicle, or offer, or attempt
7 to offer, to any occupant of any motor vehicle, whether
8 standing or moving, or to place or throw into any motor
9 vehicle any advertising or soliciting materials or to cause or
10 secure any person or persons to do any one of such unlawful
11 acts. A violation of this section is a noncriminal traffic
12 infraction, punishable as a pedestrian violation as provided
13 in chapter 318.

14 Section 13. Section 316.555, Florida Statutes, is
15 amended to read:

16 316.555 Weight, load, speed limits may be lowered;
17 condition precedent.--Anything in this chapter to the contrary
18 notwithstanding, the Department of Transportation with respect
19 to state roads, and local authorities with respect to highways
20 under their jurisdiction, may prescribe, by notice hereinafter
21 provided for, loads and weights and speed limits lower than
22 the limits prescribed in this chapter and other laws, whenever
23 in its or their judgment any road or part thereof or any
24 bridge or culvert shall, by reason of its design,
25 deterioration, rain, or other climatic or natural causes be
26 liable to be damaged or destroyed by motor vehicles, trailers,
27 or semitrailers, if the gross weight or speed limit thereof
28 shall exceed the limits prescribed in said notice. The
29 Department of Transportation or local authority may, by like
30 notice, regulate or prohibit, in whole or in part, the
31 operation of any specified class or size of motor vehicles,

1 trailers, or semitrailers on any highways or specified parts
2 thereof under its or their jurisdiction, whenever in its or
3 their judgment, such regulation or prohibition is necessary to
4 provide for the public safety and convenience on the highways,
5 or parts thereof, by reason of traffic density, intensive use
6 thereof by the traveling public, or other reasons of public
7 safety and convenience. The notice or the substance thereof
8 shall be posted at conspicuous places at terminals of all
9 intermediate crossroads and road junctions with the section of
10 highway to which the notice shall apply. After any such
11 notice has been posted, the operation of any motor vehicle or
12 combination contrary to its provisions shall constitute a
13 violation of this chapter. An exemption from any locally
14 imposed weight limit shall be granted by a local government to
15 vehicles transporting silvicultural and agricultural products
16 and to equipment used in connection with silvicultural and
17 agricultural site management when a county road offers the
18 only access into and out of the property. This exemption shall
19 not apply to any bridge or other structure which has weight
20 restrictions established for safety reasons. However, no
21 limitation shall be established by any county, municipal, or
22 other local authorities pursuant to the provisions of this
23 section that would interfere with or interrupt traffic as
24 authorized hereunder over state roads, including officially
25 established detours for such highways, including cases where
26 such traffic passes over roads, streets or thoroughfares
27 within the sole jurisdiction of the county, municipal or other
28 local authorities unless such limitations and further
29 restrictions have first been approved by the Department of
30 Transportation. With respect to county roads, except such as
31 are in use as state road detours, the respective county road

1 authorities shall have full power and authority to further
2 limit the weights of vehicles upon bridges and culverts upon
3 such public notice as they deem sufficient, and existing laws
4 applicable thereto shall not be affected by the terms of this
5 chapter.

6 Section 14. Subsection (2) of section 318.15, Florida
7 Statutes, is amended to read:

8 318.15 Failure to comply with civil penalty or to
9 appear; penalty.--

10 (2) After suspension of the driver's license and
11 privilege to drive of a person under subsection (1), the
12 license and privilege may not be reinstated until the person
13 complies with all obligations and penalties imposed on him or
14 her under s. 318.18 and presents to a driver license office a
15 certificate of compliance issued by the court, together with
16 the \$25 nonrefundable service fee imposed under s. 322.29, or
17 pays the aforementioned \$25 service fee to the clerk of the
18 court or a tax collector clearing such suspension. Such
19 person shall also be in compliance with requirements of
20 chapter 322 prior to reinstatement.

21 Section 15. Paragraph (c) of subsection (3) of section
22 318.18, Florida Statutes, is amended to read:

23 318.18 Amount of civil penalties.--The penalties
24 required for a noncriminal disposition pursuant to s. 318.14
25 are as follows:

26 (3)

27 (b) For moving violations involving unlawful speed,
28 the fines are as follows:

29		
30	For speed exceeding the limit by:	Fine:
31	1-9 m.p.h.....	\$ 25

1	10-14 m.p.h.....	\$100
2	15-19 m.p.h.....	\$125
3	20-29 m.p.h.....	\$150
4	30 m.p.h. and above.....	\$250

5

6 (c) A person cited for exceeding the speed limit in a

7 legally posted school zone or a posted construction zone will

8 be assessed a fine double the amount listed in paragraph (b).

9 The fine shall only be doubled for construction zone

10 violations if construction personnel are present or operating

11 equipment on the road or immediately adjacent to the road

12 under construction.

13 Section 16. Subsection (42) is added to section

14 320.01, Florida Statutes, to read:

15 320.01 Definitions, general.--As used in the Florida

16 Statutes, except as otherwise provided, the term:

17 (42) For purposes of this chapter, "agricultural

18 products" means any food product; any agricultural,

19 horticultural, or livestock product; any raw material used in

20 plant food formulation; or any plant food used to produce food

21 and fiber.

22 Section 17. Paragraph (a) of subsection (1) of section

23 320.04, Florida Statutes, is amended to read:

24 320.04 Registration service charge.--

25 (1)(a) There shall be a service charge of \$2.50 for

26 each application which is handled in connection with original

27 issuance, duplicate issuance, or transfer of any license

28 plate, mobile home sticker, or validation sticker or with

29 transfer or duplicate issuance of any registration

30 certificate. There may also be a service charge of up to \$1

31 for the issuance of each license plate validation sticker and

1 mobile home sticker issued from an automated vending facility
2 or printer dispenser machine which shall be payable to and
3 retained by the department to provide for automated vending
4 facilities or printer dispenser machines used to dispense such
5 stickers ~~by in~~ each tax collector's or license tag agent's
6 employee office.

7 Section 18. Subsections (2) and (7) of section
8 320.055, Florida Statutes, are amended to read:

9 320.055 Registration periods; renewal periods.--The
10 following registration periods and renewal periods are
11 established:

12 (2) For a vehicle subject to registration under s.
13 320.08(11), the registration period begins January 1 and ends
14 December 31. For a vehicle subject to this registration
15 period, the renewal period is the 31-day period prior to
16 expiration beginning January 1.

17 (7) For those vehicles subject to registration under
18 s. 320.0657, the department shall implement a system that
19 distributes the registration renewal process throughout the
20 year ~~For a vehicle subject to registration under s. 320.065,~~
21 ~~the registration period begins December 1 and ends November~~
22 ~~30. For a vehicle subject to this registration period, the~~
23 ~~renewal period is the 31-day period beginning December 1.~~

24 Section 19. Section 320.065, Florida Statutes, is
25 repealed.

26 Section 20. Section 320.0657, Florida Statutes, is
27 amended to read:

28 320.0657 Permanent registration; fleet license
29 plates.--

30 (1) For purposes of this section, the term "fleet"
31 means nonapportioned motor vehicles owned or leased by a

1 company and used for business purposes. Vehicle numbers
2 comprising a "fleet" shall be established by the Department of
3 Highway Safety and Motor Vehicles. Vehicles registered as
4 short-term rental vehicles are excluded from the provisions of
5 this section.

6 (2)(a) The owner or lessee of a fleet of motor
7 vehicles shall, upon application in the manner and at the time
8 prescribed and upon approval by the department and payment of
9 the license tax prescribed under s. 320.08(2), (3), (4),
10 (5)(a) and (b), (6)(a), (7), and (8), be issued permanent
11 fleet license plates. All vehicles with a fleet license plate
12 shall have the company's name or logo and unit number
13 displayed so that they are readily identifiable. The
14 provisions of s. 320.0605 do not apply to vehicles registered
15 in accordance with this section, and no annual validation
16 sticker is required.

17 ~~(a) The owner or lessee of 250 or more nonapportioned~~
18 ~~commercial motor vehicles licensed under s. 320.08(2), (3),~~
19 ~~(4), (5)(a)1. and (b), and (7), who has posted a bond as~~
20 ~~prescribed by department rules, may apply via magnetically~~
21 ~~encoded computer tape reel or cartridge which is machine~~
22 ~~readable by the installed computer system at the department~~
23 ~~for permanent license plates. All vehicles with a fleet~~
24 ~~license plate shall have the company's name or logo and unit~~
25 ~~number displayed so that they are readily identifiable. The~~
26 ~~provisions of s. 320.0605 shall not apply to vehicles~~
27 ~~registered in accordance with this section, and no annual~~
28 ~~validation sticker is required.~~

29 (b) The plates, which shall be of a distinctive color,
30 shall have the word "Fleet" appearing at the bottom and the
31 word "Florida" appearing at the top. The plates shall conform

1 in all respects to the provisions of this chapter, except as
2 specified herein.

3 (c) In addition to the license tax prescribed by s.
4 320.08(2), (3), (4), (5)(a) and (b), (6)(a), (7), and (8), an
5 annual fleet management fee of \$2 shall be charged. A
6 one-time license plate manufacturing fee of \$1.50 shall be
7 charged for plates issued for the established number of
8 vehicles in the fleet. If the size of the fleet is increased,
9 a \$20-per-vehicle issuance fee will be charged to include the
10 license plate manufacturing fee. If the license plate
11 manufacturing cost increases, the department shall increase
12 the license-plate manufacturing fee to recoup its cost. Fees
13 collected shall be deposited into the Highway Safety Operating
14 Trust Fund. Payment of registration license tax and fees
15 shall be made annually and be evidenced only by the issuance
16 of a single receipt by the department. The provisions of s.
17 320.0605 do not apply to vehicles registered in accordance
18 with this section, and no annual validation sticker is
19 required.

20 ~~(c) In addition to the license tax prescribed by s.~~
21 ~~320.08(2), (3), (4), (5)(a)1. and (b), and (7), an annual fee~~
22 ~~of \$6 shall be charged for each vehicle registered hereunder.~~
23 ~~Of this \$6 fee, \$2.50 shall be retained as a service charge by~~
24 ~~the tax collector, if the registration occurs at such office,~~
25 ~~or by the department, if the registration occurs at offices of~~
26 ~~the department. Receipts from the \$6 fee not retained by tax~~
27 ~~collectors shall be deposited into the Highway Safety~~
28 ~~Operating Trust Fund. Payment of registration license tax and~~
29 ~~fees shall be made annually and be evidenced only by the~~
30 ~~issuance of a single receipt by the department. Half-year~~
31 ~~registrations shall not be available for vehicles registered~~

1 ~~in accordance with the provisions of this section. The~~
2 ~~provision of s. 320.06(1)(b) shall not apply to the fleet~~
3 ~~renewal process.~~

4 ~~(2) All recipients of permanent license plates~~
5 ~~authorized by this section shall submit an annual audit as~~
6 ~~prescribed by rule of the department. Such audit shall include~~
7 ~~a percentage of the vehicles registered by each owner or~~
8 ~~lessee, not to exceed 10 percent. The department shall~~
9 ~~randomly select the vehicles to be audited and shall forward a~~
10 ~~listing of said vehicles only to the office of the auditor~~
11 ~~performing the audit. Every attempt shall be made to provide~~
12 ~~for groupings of vehicles based in the same location; however,~~
13 ~~the location shall change from year to year. The audit shall~~
14 ~~be prepared by a certified public accountant licensed under~~
15 ~~chapter 473, at the recipient's expense, and shall be~~
16 ~~performed to standards prescribed by the department. Such~~
17 ~~audits shall be delivered to the department on or before~~
18 ~~February 15 of each calendar year. Any fees or taxes which the~~
19 ~~audit determines are due the department shall be submitted to~~
20 ~~the department along with such audit. In addition, any company~~
21 ~~found to be habitually abusing the privileges afforded by~~
22 ~~permanent licensure shall forfeit the bond required in~~
23 ~~subsection (1), and may be required by the department to~~
24 ~~relinquish all permanent license plates, and not be eligible~~
25 ~~to continue to participate in the program.~~

26 (3) The department is authorized to adopt such rules
27 as necessary to comply with this section.

28 (4) If a recipient of fleet license plates fails to
29 properly and timely renew or initially register vehicles in
30 its fleet, the department may impose a delinquency penalty of
31 \$50 or 10 percent of the delinquent taxes due, whichever is

1 greater, if the failure is for not more than 30 days, with an
2 additional 10 percent penalty for each additional 30 days, or
3 fraction thereof, during the time the failure continues, not
4 to exceed a total penalty of 100 percent in the aggregate.
5 However, the penalty may not be less than \$50.

6 (5) All recipients of fleet license plates authorized
7 by this section must provide the department with an annual
8 vehicle reconciliation and must annually surrender all
9 unassigned license plates. Failure to comply may result in
10 finest of up to \$1,000 for each occurrence or in suspension or
11 termination from the fleet program.

12 Section 21. Subsection (5) is added to section
13 320.0715, Florida Statutes, to read:

14 320.0715 International Registration Plan; motor
15 carrier services; permits; retention of records.--

16 (5) The provisions of this section do not apply to any
17 commercial motor vehicle domiciled in a foreign state that
18 enters this state solely for the purpose of bringing a
19 commercial vehicle in for repairs, or picking up a newly
20 purchased commercial vehicle, so long as the commercial motor
21 vehicle is operated by its owner and is not hauling a load.

22 Section 22. Section 321.045, Florida Statutes, is
23 created to read:

24 321.045 Florida Highway Patrol program
25 objectives.--The mission of the Florida Highway Patrol is to
26 ensure public safety on Florida's State Highway System and to
27 minimize violations of Florida's traffic laws. In order to
28 accomplish this mission, the program objectives of the Florida
29 Highway Patrol are to:

30 (1) Reduce the statewide incidence rate for traffic
31 crashes, injuries, and deaths.

1 (2) Reduce the number of alcohol and drug-related
2 crashes.

3 (3) Reduce the statewide response time to calls for
4 services.

5 (4) Increase compliance with traffic laws.

6 (5) Increase motorist compliance with state motor
7 vehicle and driver's license insurance laws.

8 Section 23. Effective January 1, 1999, paragraph (d)
9 is added to subsection (2) of section 20.18, Florida Statutes,
10 and subsection (7) is added to said section, to read:

11 20.18 Department of Community Affairs.--There is
12 created a Department of Community Affairs.

13 (2) The following units of the Department of Community
14 Affairs are established:

15 (d) Division of Factory-built Housing.

16 (7) The Department of Community Affairs shall be the
17 agency responsible for ensuring that there is adequate
18 affordable housing in this state through the use of
19 factory-built homes, that the federal code on mobile homes is
20 strictly observed by manufacturers, and that the state code
21 for manufactured buildings is an efficient method for
22 providing manufactured buildings to residents of this state.
23 The department shall also be the agency responsible for the
24 installation of mobile homes and manufactured buildings to
25 such an extent that residents of this state are as safe as
26 possible with respect to destructive weather.

27 Section 24. Effective January 1, 1999, the powers,
28 duties, responsibilities, functions, records, personnel,
29 property, and unexpended balances of appropriations,
30 allocations, or other funds within the Department of Community
31 Affairs relating to administration, implementation, and

1 enforcement of part IV of chapter 553, Florida Statutes, is
2 hereby transferred to the Division of Factory-built Housing of
3 the department.

4 Section 25. Effective January 1, 1999:

5 (1) All statutory powers, duties, functions, records,
6 personnel, property, and unexpended balances of
7 appropriations, allocations, or other funds of the Bureau of
8 Mobile Home and Recreational Vehicle Construction of the
9 Department of Highway Safety and Motor Vehicles relating to
10 regulation and administration of mobile homes, and all
11 existing authority and actions of the bureau, including, but
12 not limited to, all pending and completed actions on orders
13 and rules, all enforcement matters, and delegations,
14 interagency agreements, and contracts with federal, state,
15 regional, and local governments and private entities relating
16 to regulation and administration of mobile homes, are hereby
17 transferred to the Division of Factory-built Housing of the
18 Department of Community Affairs.

19 (2) The Department of Community Affairs and the
20 Department of Highway Safety and Motor Vehicles shall have the
21 authority to enter into interagency agreements with each other
22 concerning any matter affected by the transfer of the Bureau
23 of Mobile Home and Recreational Vehicle Construction to the
24 Department of Community Affairs to promote the efficient and
25 effective operation of both departments.

26 Section 26. (1) Effective January 1, 1999, the
27 portion of the Mobile Home and Recreational Vehicle Protection
28 Trust Fund created under s. 320.781, Florida Statutes,
29 relating to mobile homes is transferred to the Operating Trust
30 Fund of the Department of Community Affairs to be administered
31 and managed by the Division of Factory-built Housing of the

1 Department of Community Affairs pursuant to s. 553.433,
2 Florida Statutes.

3 (2) Effective January 1, 1999, that portion of the
4 Highway Safety Operating Trust Fund, created under s. 318.39,
5 Florida Statutes, and into which fees and penalties relating
6 to mobile home regulation, manufacture, licensure, and
7 installation are deposited, is transferred to the Operating
8 Trust Fund of the Department of Community Affairs to be
9 administered and managed by the Division of Factory-built
10 Housing for the purposes of part IV of chapter 553, Florida
11 Statutes.

12 Section 27. Effective January 1, 1999, section
13 320.781, Florida Statutes, is amended to read:

14 320.781 ~~Mobile Home and~~ Recreational Vehicle
15 Protection Trust Fund.--

16 (1) There is hereby established a ~~Mobile Home and~~
17 Recreational Vehicle Protection Trust Fund. The trust fund
18 shall be administered and managed by the Department of Highway
19 Safety and Motor Vehicles. The expenses incurred by the
20 department in administering this section shall be paid only
21 from appropriations made from the trust fund.

22 (2) Beginning October 1, 1990, the department shall
23 charge and collect an additional fee of \$1 for each ~~new mobile~~
24 ~~home and~~ new recreational vehicle title transaction for which
25 it charges a fee. This additional fee shall be deposited into
26 the trust fund. The Department of Highway Safety and Motor
27 Vehicles shall charge a fee of \$40 per annual dealer and
28 manufacturer license and license renewal, which shall be
29 deposited into the trust fund. The sums deposited in the trust
30 fund shall be used exclusively for carrying out the purposes
31 of this section. These sums may be invested and reinvested by

1 the Treasurer under the same limitations as apply to
2 investment of other state funds, with all interest from these
3 investments deposited to the credit of the trust fund.

4 (3) The trust fund shall be used to satisfy any
5 judgment by any person, as provided by this section, against a
6 ~~mobile home or~~ recreational vehicle dealer or broker for
7 damages, restitution, or expenses, including reasonable
8 attorney's fees, resulting from a cause of action directly
9 related to the conditions of any written contract made by him
10 or her in connection with the sale, exchange, or improvement
11 of any ~~mobile home or~~ recreational vehicle, or for any
12 violation of chapter 319 or this chapter.

13 (4) The trust fund shall not be liable for any
14 judgment, or part thereof, resulting from any tort claim
15 except as expressly provided in subsection (3), nor for any
16 punitive, exemplary, double, or treble damages. A person, the
17 state, or any political subdivision thereof may recover
18 against the mobile home or recreational vehicle dealer,
19 broker, or surety, jointly and severally, for such damages,
20 restitution, or expenses; provided, however, that in no event
21 shall the trust fund or the surety be liable for an amount in
22 excess of actual damages, restitution, or expenses.

23 (5) Subject to the limitations and requirements of
24 this section, the trust fund shall be used by the department
25 to compensate persons who have unsatisfied judgments, or in
26 certain limited circumstances unsatisfied claims, against a
27 ~~mobile home or~~ recreational vehicle dealer or broker in one of
28 the following situations:

29 (a) The claimant has obtained a final judgment which
30 is unsatisfied against the ~~mobile home or~~ recreational vehicle
31 dealer or broker or its surety jointly and severally, or

1 against the ~~mobile home dealer~~ or broker only, if the court
2 found that the surety was not liable due to prior payment of
3 valid claims against the bond in an amount equal to, or
4 greater than, the face amount of the applicable bond.

5 (b) The claimant has obtained a judgment against the
6 surety of the ~~mobile home~~ or recreational vehicle dealer or
7 broker that is unsatisfied.

8 (c) The claimant has alleged a claim against the
9 ~~mobile home~~ or recreational vehicle dealer or broker in a
10 lawsuit which has been stayed or discharged as a result of the
11 filing for reorganization or discharge in bankruptcy by the
12 dealer or broker, and judgment against the surety is not
13 possible because of the bankruptcy or liquidation of the
14 surety, or because the surety has been found by a court of
15 competent jurisdiction not to be liable due to prior payment
16 of valid claims against the bond in an amount equal to, or
17 greater than, the face amount of the applicable bond.

18 (6) In order to recover from the trust fund, the
19 person must file an application and verified claim with the
20 department.

21 (a) If the claimant has obtained a judgment which is
22 unsatisfied against the ~~mobile home~~ or recreational vehicle
23 dealer or broker or its surety as set forth in this section,
24 the verified claim must specify the following:

25 1.a. That the judgment against the ~~mobile home~~ or
26 recreational vehicle dealer or broker and its surety has been
27 entered; or

28 b. That the judgment against the ~~mobile home~~ or
29 recreational vehicle dealer or broker contains a specific
30 finding that the surety has no liability, that execution has
31

1 been returned unsatisfied, and that a judgment lien has been
2 perfected;

3 2. The amount of actual damages broken down by
4 category as awarded by the court or jury in the cause which
5 resulted in the unsatisfied judgment, and the amount of
6 attorney's fees set forth in the unsatisfied judgment;

7 3. The amount of payment or other consideration
8 received, if any, from the ~~mobile home or~~ recreational vehicle
9 dealer or broker or its surety;

10 4. The amount that may be realized, if any, from the
11 sale of real or personal property or other assets of the
12 judgment debtor liable to be sold or applied in satisfaction
13 of the judgment and the balance remaining due on the judgment
14 after application of the amount which has been realized and a
15 certification that the claimant has made a good faith effort
16 to collect the judgment; and

17 5. Such other information as the department requires.

18 (b) If the claimant has alleged a claim as set forth
19 in paragraph (5)(c) and for the reasons set forth therein has
20 not been able to secure a judgment, the verified claim must
21 contain the following:

22 1. A true copy of the pleadings in the lawsuit which
23 was stayed or discharged by the bankruptcy court and the order
24 of the bankruptcy court staying those proceedings;

25 2. Allegations of the acts or omissions by the ~~mobile~~
26 ~~home or~~ recreational vehicle dealer or broker setting forth
27 the specific acts or omissions complained of which resulted in
28 actual damage to the person, along with the actual dollar
29 amount necessary to reimburse or compensate the person for
30 costs or expenses resulting from the acts or omissions of
31 which the person complained;

1 3. True copies of all purchase agreements, notices,
2 service or repair orders or papers or documents of any kind
3 whatsoever which the person received in connection with the
4 purchase, exchange, or lease-purchase of the ~~mobile home or~~
5 recreational vehicle from which the person's cause of action
6 arises; and

7 4. Such other information as the department requires.

8 (c) The department may require such proof as it deems
9 necessary to document the matters set forth in the claim.

10 (7) Within 90 days after receipt of the application
11 and verified claim, the department shall issue its
12 determination on the claim. Such determination shall not be
13 subject to the provisions of chapter 120, but shall be
14 reviewable only by writ of certiorari in the circuit court in
15 the county in which the claimant resides in the manner and
16 within the time provided by the Florida Rules of Appellate
17 Procedure. The claim must be paid within 45 days after the
18 determination, or, if judicial review is sought, within 45
19 days after the review becomes final. A person may not be paid
20 an amount from the fund in excess of \$25,000 per ~~mobile home~~
21 ~~or~~ recreational vehicle. Prior to payment, the person must
22 execute an assignment to the department of all the person's
23 rights and title to, and interest in, the unsatisfied judgment
24 and judgment lien or the claim against the dealer or broker
25 and its surety.

26 (8) The department, in its discretion and where
27 feasible, may try to recover from the ~~mobile home or~~
28 recreational vehicle dealer or broker, or the judgment debtor
29 or its surety, all sums paid to persons from the trust fund.
30 Any sums recovered shall be deposited to the credit of the
31 trust fund. The department shall be awarded a reasonable

1 attorney's fee for all actions taken to recover any sums paid
2 to persons from the trust fund pursuant to this section.

3 (9) This section does not apply to any claim, and a
4 person may not recover against the trust fund as the result of
5 any claim, against a ~~mobile home or~~ recreational vehicle
6 dealer or broker resulting from a cause of action directly
7 related to the sale, lease-purchase, exchange, brokerage, or
8 installation of a ~~mobile home or~~ recreational vehicle prior to
9 October 1, 1990.

10 (10) Neither the department, nor the trust fund shall
11 be liable to any person for recovery if the trust fund does
12 not have the moneys necessary to pay amounts claimed. If the
13 trust fund does not have sufficient assets to pay the
14 claimant, it shall log the time and date of its determination
15 for payment to a claimant. If moneys become available, the
16 department shall pay the claimant whose unpaid claim is the
17 earliest by time and date of determination.

18 (11) It is unlawful for any person or his or her agent
19 to file any notice, statement, or other document required
20 under this section which is false or contains any material
21 misstatement of fact. Any person who violates this subsection
22 is guilty of a misdemeanor of the second degree, punishable as
23 provided in s. 775.082 or s. 775.083.

24 Section 28. Effective January 1, 1999, subsections
25 (7), (8), (9), (10), (11), (12), (13), and (14) of section
26 553.36, Florida Statutes, are renumbered as subsections (8),
27 (9), (10), (11), (12), (13), (14), and (15), respectively, and
28 new subsection (7) is added to said section, to read:

29 (7) "Division" means the Division of Factory-built
30 Housing of the department.

31

1 Section 29. Effective January 1, 1999, section 553.38,
2 Florida Statutes, is amended to read:

3 553.38 Application and scope.--

4 (1) The department, through the division, shall adopt
5 ~~promulgate~~ rules which protect the health, safety, and
6 property of the people of this state by assuring that each
7 manufactured building is structurally sound and properly
8 installed on site and that plumbing, heating, electrical, and
9 other systems thereof are reasonably safe, and which interpret
10 and make specific the provisions of this part.

11 (2) The division ~~department~~ shall enforce every
12 provision of this part and the rules adopted pursuant hereto,
13 except that local land use and zoning requirements, fire
14 zones, building setback requirements, side and rear yard
15 requirements, site development requirements, property line
16 requirements, subdivision control, and onsite installation
17 requirements, as well as the review and regulation of
18 architectural and aesthetic requirements, are specifically and
19 entirely reserved to local authorities. Such local
20 requirements and rules which may be enacted by local
21 authorities must be reasonable and uniformly applied and
22 enforced without any distinction as to whether a building is a
23 conventionally constructed or manufactured building. A local
24 government shall require permit fees only for those
25 inspections actually performed by the local government for the
26 installation of a factory-built structure. Such fees shall be
27 equal to the amount charged for similar inspections on
28 conventionally built housing.

29 (3) The division shall be responsible for
30 administering, implementing, and enforcing the provisions of
31 this part.

1 Section 30. Effective January 1, 1999, section
2 553.431, Florida Statutes, is created to read:

3 553.431 Nonresident mobile home dealer's license.--

4 (1) Any person who is a nonresident of the state, who
5 does not have a dealer's contract from the manufacturer or
6 manufacturer's distributor of mobile homes authorizing the
7 sale thereof in definite Florida territory, and who sells or
8 engages in the business of selling said vehicles at retail
9 within the state shall register with the Department of Revenue
10 for a sales tax dealer registration number and comply with
11 chapter 212, and pay a license tax of \$2,000 per annum in each
12 county where such sales are made; \$1,250 of said tax shall be
13 transmitted to the Department of Banking and Finance to be
14 deposited in the General Revenue Fund of the state, and \$750
15 thereof shall be returned to the county. The license tax
16 shall cover the period from January 1 to the following
17 December 31, and no such license shall be issued for any
18 fractional part of a year.

19 (2) The acceptance by any person of a license under
20 this section shall be deemed equivalent to an appointment by
21 such person of the Secretary of State as the agent of such
22 person upon whom may be served all lawful process in any
23 action, suit, or proceeding against such person arising out of
24 any transaction or operation connected with or incidental to
25 any activities of such person carried on under such license,
26 and the acceptance of such license shall be signification of
27 the agreement of such person that any process against the
28 person which is so served shall be of the same legal force and
29 validity as if served personally on him or her. Service of
30 such process shall be in accordance with and in the same

31

1 manner as now provided for service of process upon
2 nonresidents under the provisions of chapter 48.

3 Section 31. Effective January 1, 1999, section
4 553.4315, Florida Statutes, is created to read:

5 553.4315 Nonresident dealers in secondhand mobile
6 homes.--Every dealer in used or secondhand mobile homes who is
7 a nonresident of the state, does not have a permanent place of
8 business in this state, and has not qualified as a dealer
9 under the provisions of s. 553.432, and any person other than
10 a dealer qualified under the provisions of said s. 553.432,
11 who brings any used or secondhand mobile home into the state
12 for the purpose of sale, except to a dealer licensed under the
13 provisions of s. 553.432, shall, at least 10 days prior to the
14 sale of said mobile home, the offering of said mobile home for
15 sale, or the advertising of said mobile home for sale, make
16 and file with the division the official application for a
17 certificate of title for said mobile home as provided by law.
18 Any person who has had one or more transactions involving the
19 sale of three or more used or secondhand mobile homes in this
20 state during any 12-month period shall be deemed to be a
21 secondhand dealer in mobile homes.

22 Section 32. Effective January 1, 1999, section 320.77,
23 Florida Statutes, is transferred and renumbered as section
24 553.432, Florida Statutes, and is amended to read:

25 553.432 ~~320.77~~ License required of mobile home
26 dealers.--

27 (1) DEFINITIONS.--As used in this section:

28 (a) "Dealer" means any person engaged in the business
29 of buying, selling, or dealing in mobile homes or offering or
30 displaying mobile homes for sale. The term "dealer" includes
31 a mobile home broker. Any person who buys, sells, deals in, or

1 offers or displays for sale, or who acts as the agent for the
2 sale of, one or more mobile homes in any 12-month period shall
3 be prima facie presumed to be a dealer. The terms "selling"
4 and "sale" include lease-purchase transactions. The term
5 "dealer" does not include banks, credit unions, and finance
6 companies that acquire mobile homes as an incident to their
7 regular business and does not include mobile home rental and
8 leasing companies that sell mobile homes to dealers licensed
9 under this section. ~~A licensed dealer may transact business in~~
10 ~~recreational vehicles with a motor vehicle auction as defined~~
11 ~~in s. 320.27(1)(c)4.~~ Any licensed dealer dealing exclusively
12 in mobile homes shall not have benefit of the privilege of
13 using dealer license plates.

14 (b) "Mobile home broker" means any person who is
15 engaged in the business of offering to procure or procuring
16 used mobile homes for the general public; who holds himself or
17 herself out through solicitation, advertisement, or otherwise
18 as one who offers to procure or procures used mobile homes for
19 the general public; or who acts as the agent or intermediary
20 on behalf of the owner or seller of a used mobile home which
21 is for sale or who assists or represents the seller in finding
22 a buyer for the mobile home.

23 (2) LICENSE REQUIRED.--No person shall engage in
24 business as, or serve in the capacity of, a dealer in this
25 state unless such person possesses a valid, current license as
26 provided in this section.

27 (3) APPLICATION.--The application for such license
28 shall be in the form prescribed by the division ~~department~~ and
29 subject to such rules as may be prescribed by it. The
30 application shall be verified by oath or affirmation and shall
31 contain:

- 1 (a) A full statement of the name and the date of birth
2 of the person or persons applying therefor.
- 3 (b) The name of the firm or copartnership with the
4 names and places of residence of all its members, if the
5 applicant is a firm or copartnership.
- 6 (c) The names and places of residence of the principal
7 officers, if the applicant is a body corporate or other
8 artificial body.
- 9 (d) The name of the state under whose laws the
10 corporation is organized.
- 11 (e) The former place or places of residence of the
12 applicant.
- 13 (f) The prior businesses in which the applicant has
14 been engaged, the dates during which the applicant was engaged
15 in such businesses, and the locations thereof.
- 16 (g) A description of the exact location of the place
17 of business, when it was acquired, and whether it is owned in
18 fee simple by the applicant. If leased, a true copy of the
19 lease shall be attached to the application.
- 20 (h) Certification by the applicant that the location
21 is a permanent one, not a tent or a temporary stand or other
22 temporary quarters; and, except in the case of a mobile home
23 broker, that the location affords sufficient unoccupied space
24 to store all mobile homes offered and displayed for sale; and
25 that the location is a suitable place in which the applicant
26 can in good faith carry on business and keep and maintain
27 books, records, and files necessary to conduct such business,
28 which will be available at all reasonable hours to inspection
29 by the department or any of its inspectors or other employees.
30 This subsection shall not preclude a licensed mobile home
31

1 dealer from displaying and offering for sale mobile homes in a
2 mobile home park.

3 (i) Certification by the applicant that the business
4 of a mobile home dealer is the principal business which shall
5 be conducted at that location; however, this provision shall
6 not apply to mobile home park operators licensed as mobile
7 home dealers.

8 (j) Such other relevant information as may be required
9 by the division ~~department~~. Each applicant, general partner in
10 the case of a partnership, or corporate officer and director
11 in the case of a corporate applicant, must file a set of
12 fingerprints with the division ~~department~~ for the purpose of
13 determining any prior criminal record or any outstanding
14 warrants. The division ~~department~~ shall submit the
15 fingerprinting to the Department of Law Enforcement for state
16 processing and forwarding to the Federal Bureau of
17 Investigation for federal processing. The actual cost of such
18 state and federal processing shall be borne by the applicant
19 and is to be in addition to the fee for licensure. The
20 division ~~department~~ may issue a license to an applicant
21 pending the results of the fingerprint investigation, which
22 license is fully revocable if the division ~~department~~
23 subsequently determines that any facts set forth in the
24 application are not true or correctly represented.

25
26 The division ~~department~~ shall, if it deems necessary, cause an
27 investigation to be made to ascertain if the facts set forth
28 in the application are true and shall not issue a license to
29 the applicant until it is satisfied that the facts set forth
30 in the application are true.

31

1 (4) FEES.--Upon making initial application, the
2 applicant shall pay to the division ~~department~~ a fee of \$300
3 in addition to any other fees now required by law. The fee
4 for renewal application shall be \$100. The fee for
5 application for change of location shall be \$25. Any
6 applicant for renewal who has failed to submit his or her
7 renewal application by October 1 shall pay a renewal
8 application fee equal to the original application fee. No fee
9 is refundable. All fees shall be deposited into the General
10 Revenue Fund.

11 (5) DENIAL OF LICENSE.--The division ~~department~~ may
12 deny any applicant a license on the ground that:

13 (a) The applicant has made a material misstatement in
14 his or her application for a license.

15 (b) The applicant has failed to comply with any
16 applicable provision of this part ~~chapter~~.

17 (c) The applicant has failed to provide warranty
18 service.

19 (d) The applicant or one or more of his or her
20 principals or agents has violated any law, rule, or regulation
21 relating to the sale of mobile homes.

22 (e) The division ~~department~~ has proof of unfitness of
23 the applicant.

24 (f) The applicant or licensee has engaged in previous
25 conduct in any state which would have been a ground for
26 revocation or suspension of a license in this state.

27 (g) The applicant or licensee has violated any of the
28 provisions of the National Mobile Home Construction and Safety
29 Standards Act of 1974 or any rule or regulation of the
30 Department of Housing and Urban Development adopted
31 ~~promulgated~~ thereunder.

1
2 Upon denial of a license, the division ~~department~~ shall notify
3 the applicant within 10 days, stating in writing its grounds
4 for denial. The applicant is entitled to a public hearing and
5 may request that such hearing be held within 45 days of denial
6 of the license. All proceedings shall be pursuant to chapter
7 120.

8 (6) LICENSE CERTIFICATE.--A license certificate shall
9 be issued by the division ~~department~~ in accordance with the
10 application when the same is regular in form and in compliance
11 with the provisions of this section. The license certificate
12 may be in the form of a document or a computerized card as
13 determined by the division ~~department~~. The cost of each
14 original, additional, or replacement computerized card shall
15 be borne by the licensee and is in addition to the fee for
16 licensure. The fees charged applicants for both the required
17 background investigation and the computerized card as provided
18 in this section shall be deposited into the department's
19 ~~Highway Safety~~ Operating Trust Fund. The license, when so
20 issued, shall entitle the licensee to carry on and conduct the
21 business of a mobile home dealer at the location set forth in
22 the license for a period of 1 year from October 1 preceding
23 the date of issuance. Each initial application received by the
24 division ~~department~~ shall be accompanied by verification that,
25 within the preceding 6 months, the applicant or one or more of
26 his or her designated employees has attended a training and
27 information seminar conducted by the division ~~department~~ or by
28 a public or private provider approved by the division
29 ~~department~~. Such seminar shall include, but not be limited to,
30 statutory dealer requirements, which requirements include
31 required bookkeeping and recording procedures, requirements

1 for the collection of sales and use taxes, and such other
2 information that in the opinion of the division ~~department~~
3 will promote good business practices.

4 (7) SUPPLEMENTAL LICENSE.--Any person licensed
5 pursuant to this section shall be entitled to operate one or
6 more additional places of business under a supplemental
7 license for each such business if the ownership of each
8 business is identical to that of the principal business for
9 which the original license is issued. Each supplemental
10 license shall run concurrently with the original license and
11 shall be issued upon application by the licensee on a form to
12 be furnished by the division ~~department~~ and payment of a fee
13 of \$50 for each such license. Only one licensed dealer shall
14 operate at the same place of business. A supplemental license
15 authorizing off-premises sales shall be issued, at no charge
16 to the dealer, for a period not to exceed 10 consecutive
17 calendar days.

18 (8) RECORDS TO BE KEPT BY LICENSEE.--Each licensee
19 shall keep records in such form as shall be prescribed by the
20 division ~~department~~. Such records shall include:

21 (a) A record of the purchase, sale, or exchange, or
22 receipt for the purpose of sale, of any mobile home;

23 (b) The description of each such mobile home,
24 including the identification or serial number and such other
25 numbers or identification marks as may be thereon, and a
26 statement that a number has been obliterated, defaced, or
27 changed, if such fact is apparent; and

28 (c) The name and address of the seller, the purchaser,
29 and the alleged owner or other person from whom the mobile
30 home was purchased or received and the person to whom it was
31 sold or delivered, as the case may be.

1 (9) EVIDENCE OF TITLE REQUIRED.--The licensee shall
2 also have in his or her possession for each new mobile home a
3 manufacturer's invoice or statement of origin, and for each
4 used mobile home a properly assigned certificate of title or
5 registration certificate if the used mobile home was
6 previously registered in a nontitle state, from the time the
7 mobile home is delivered to the licensee until it has been
8 disposed of by him or her.

9 (10) SETUP OPERATIONS.--Each licensee may perform
10 setup operations only as defined in s. 553.434 ~~320.822~~, and
11 the division ~~department~~ shall provide by rule for the uniform
12 application of all existing statutory provisions relating to
13 licensing and setup operations.

14 (11) PENALTY.--The violation of any provision of this
15 section is a misdemeanor of the second degree, punishable as
16 provided in s. 775.082 or s. 775.083.

17 (12) INJUNCTION.--In addition to the remedies provided
18 in this chapter, and notwithstanding the existence of any
19 adequate remedy at law, the division ~~department~~ is authorized
20 to make application to any circuit court of the state, and the
21 circuit court shall have jurisdiction, upon a hearing and for
22 cause shown, to grant a temporary or permanent injunction
23 restraining any person from acting as a mobile home dealer
24 under the terms of this section who is not properly licensed
25 or who violates or fails or refuses to comply with any of the
26 provisions of ~~chapter 319~~ and this part ~~chapter~~ or any rule or
27 regulation adopted thereunder. Such injunction shall be issued
28 without bond. A single act in violation of the provisions of
29 ~~chapter 319~~ or this part ~~chapter~~ shall be sufficient to
30 authorize the issuance of an injunction.

31

1 (13) SUSPENSION OR REVOCATION.--The division
2 ~~department~~ shall, as it deems necessary, either suspend or
3 revoke any license issued hereunder upon a finding that the
4 licensee violated any provision of this section or of any
5 other law of this state having to do with dealing in mobile
6 homes or perpetrated a fraud upon any person as a result of
7 such dealing in mobile homes.

8 (14) ADMINISTRATIVE FINES.--In addition to the
9 exercise of other powers provided in this section, the
10 division ~~department~~ is authorized to assess, impose, levy, and
11 collect by legal process fines, in an amount not to exceed
12 \$1,000 for each violation, against any licensee if it finds
13 that a licensee has violated any provision of this section or
14 has violated any other law of this state having to do with
15 dealing in mobile homes ~~motor vehicles~~. Any licensee shall be
16 entitled to a hearing pursuant to chapter 120 should the
17 licensee wish to contest the fine levied, or about to be
18 levied, upon him or her.

19 (15) BOND.--

20 (a) Before any license shall be issued or renewed, the
21 applicant shall deliver to the division ~~department~~ a good and
22 sufficient surety bond, executed by the applicant as principal
23 and by a surety company qualified to do business in the state
24 as surety. The bond shall be in a form to be approved by the
25 division ~~department~~ and shall be conditioned upon the dealer's
26 complying with the conditions of any written contract made by
27 the dealer in connection with the sale, exchange, or
28 improvement of any mobile home and his or her not violating
29 any of the provisions of ~~chapter 319~~ or this part ~~chapter~~ in
30 the conduct of the business for which the dealer is licensed.
31 The bond shall be to the division ~~department~~ and in favor of

1 any retail customer who shall suffer any loss as a result of
2 any violation of the conditions hereinabove contained. The
3 bond shall be for the license period, and a new bond or a
4 proper continuation certificate shall be delivered to the
5 division ~~department~~ at the beginning of each license period.
6 However, the aggregate liability of the surety in any one
7 license year shall in no event exceed the sum of such bond.
8 The amount of the bond required shall be as follows:

9 1. A single dealer who buys, sells, or deals in mobile
10 homes and who has four or fewer supplemental licenses shall
11 provide a surety bond in the amount of \$25,000.

12 2. A single dealer who buys, sells, or deals in mobile
13 homes and who has more than four supplemental licenses shall
14 provide a surety bond in the amount of \$50,000.

15
16 ~~For the purposes of this paragraph, any person who buys,~~
17 ~~sells, or deals in both mobile homes and recreational vehicles~~
18 ~~shall provide the same surety bond required of dealers who~~
19 ~~buy, sell, or deal in mobile homes only.~~

20 (b) The division ~~department~~ shall, upon denial,
21 suspension, or revocation of any license, notify the surety
22 company of the licensee, in writing, that the license has been
23 denied, suspended, or revoked and shall state the reason for
24 such denial, suspension, or revocation.

25 (c) Any surety company which pays any claim against
26 the bond of any licensee shall notify the division ~~department~~,
27 in writing, that it has paid such a claim and shall state the
28 amount of the claim.

29 (d) Any surety company which cancels the bond of any
30 licensee shall notify the division ~~department~~, in writing, of
31 such cancellation, giving reason for the cancellation.

1 Section 33. Effective January 1, 1999, section
2 553.433, Florida Statutes, is created to read:

3 553.433 Factory-built housing judgment liability.--

4 (1) The expenses incurred by the division in
5 administering this section shall be paid only from
6 appropriations made from the department's operating trust fund
7 from moneys deposited into such fund pursuant to this section.

8 (2) Beginning January 1, 1999, the division shall
9 charge and collect an additional fee of \$1 for each new mobile
10 home transaction for which it charges a fee. This additional
11 fee shall be deposited into the department's operating trust
12 fund. The division shall charge a fee of \$40 per annual
13 dealer and manufacturer license and license renewal, which
14 shall be deposited into such fund. The sums deposited into
15 such fund pursuant to this section shall be used exclusively
16 for carrying out the purposes of this section. These sums may
17 be invested and reinvested by the Treasurer under the same
18 limitations as apply to investment of other state moneys, with
19 all interest from these investments deposited to the credit of
20 such fund.

21 (3) Moneys deposited into the department's operating
22 trust fund under this section shall be used to satisfy any
23 judgment by any person, as provided by this section, against a
24 mobile home dealer or broker for damages, restitution, or
25 expenses, including reasonable attorney's fees, resulting from
26 a cause of action directly related to the conditions of any
27 written contract made by him or her in connection with the
28 sale, exchange, or improvement of any mobile home, or for any
29 violation of this part.

30 (4) The department's operating trust fund shall not be
31 liable for any judgment, or part thereof, resulting from any

1 tort claim except as expressly provided in subsection (3), nor
2 for any punitive, exemplary, double, or treble damages. A
3 person, the state, or any political subdivision thereof may
4 recover against the mobile home dealer, broker, or surety,
5 jointly and severally, for such damages, restitution, or
6 expenses; provided, however, that in no event shall the such
7 fund or the surety be liable for an amount in excess of actual
8 damages, restitution, or expenses.

9 (5) Subject to the limitations and requirements of
10 this section, moneys deposited into the department's operating
11 trust fund under this section shall be used by the division to
12 compensate persons who have unsatisfied judgments, or in
13 certain limited circumstances unsatisfied claims, against a
14 mobile home dealer or broker in one of the following
15 situations:

16 (a) The claimant has obtained a final judgment which
17 is unsatisfied against the mobile home dealer or broker or its
18 surety jointly and severally, or against the mobile home
19 dealer or broker only, if the court found that the surety was
20 not liable due to prior payment of valid claims against the
21 bond in an amount equal to, or greater than, the face amount
22 of the applicable bond.

23 (b) The claimant has obtained a judgment against the
24 surety of the mobile home dealer or broker that is
25 unsatisfied.

26 (c) The claimant has alleged a claim against the
27 mobile home dealer or broker in a lawsuit which has been
28 stayed or discharged as a result of the filing for
29 reorganization or discharge in bankruptcy by the dealer or
30 broker, and judgment against the surety is not possible
31 because of the bankruptcy or liquidation of the surety, or

1 because the surety has been found by a court of competent
2 jurisdiction not to be liable due to prior payment of valid
3 claims against the bond in an amount equal to, or greater
4 than, the face amount of the applicable bond.

5 (6) In order to recover from the department's
6 operating trust fund, the person must file an application and
7 verified claim with the division.

8 (a) If the claimant has obtained a judgment which is
9 unsatisfied against the mobile home dealer or broker or its
10 surety as set forth in this section, the verified claim must
11 specify the following:

12 1.a. That the judgment against the mobile home dealer
13 or broker and its surety has been entered; or

14 b. That the judgment against the mobile home dealer or
15 broker contains a specific finding that the surety has no
16 liability, that execution has been returned unsatisfied, and
17 that a judgment lien has been perfected;

18 2. The amount of actual damages broken down by
19 category as awarded by the court or jury in the cause which
20 resulted in the unsatisfied judgment, and the amount of
21 attorney's fees set forth in the unsatisfied judgment;

22 3. The amount of payment or other consideration
23 received, if any, from the mobile home dealer or broker or its
24 surety;

25 4. The amount that may be realized, if any, from the
26 sale of real or personal property or other assets of the
27 judgment debtor liable to be sold or applied in satisfaction
28 of the judgment and the balance remaining due on the judgment
29 after application of the amount which has been realized and a
30 certification that the claimant has made a good faith effort
31 to collect the judgment; and

1 5. Such other information as the division requires.

2 (b) If the claimant has alleged a claim as set forth
3 in paragraph (5)(c) and for the reasons set forth therein has
4 not been able to secure a judgment, the verified claim must
5 contain the following:

6 1. A true copy of the pleadings in the lawsuit which
7 was stayed or discharged by the bankruptcy court and the order
8 of the bankruptcy court staying those proceedings;

9 2. Allegations of the acts or omissions by the mobile
10 home dealer or broker setting forth the specific acts or
11 omissions complained of which resulted in actual damage to the
12 person, along with the actual dollar amount necessary to
13 reimburse or compensate the person for costs or expenses
14 resulting from the acts or omissions of which the person
15 complained;

16 3. True copies of all purchase agreements, notices,
17 service or repair orders or papers or documents of any kind
18 whatsoever which the person received in connection with the
19 purchase, exchange, or lease-purchase of the mobile home from
20 which the person's cause of action arises; and

21 4. Such other information as the division requires.

22 (c) The division may require such proof as it deems
23 necessary to document the matters set forth in the claim.

24 (7) Within 90 days after receipt of the application
25 and verified claim, the division shall issue its determination
26 on the claim. Such determination shall not be subject to the
27 provisions of chapter 120, but shall be reviewable only by
28 writ of certiorari in the circuit court in the county in which
29 the claimant resides in the manner and within the time
30 provided by the Florida Rules of Appellate Procedure. The
31 claim must be paid within 45 days after the determination, or,

1 if judicial review is sought, within 45 days after the review
 2 becomes final. A person may not be paid an amount from the
 3 department's operating trust fund in excess of \$25,000 per
 4 mobile home. Prior to payment, the person must execute an
 5 assignment to the division of all the person's rights and
 6 title to, and interest in, the unsatisfied judgment and
 7 judgment lien or the claim against the dealer or broker and
 8 its surety.

9 (8) The division, in its discretion and where
 10 feasible, may try to recover from the mobile home dealer or
 11 broker, or the judgment debtor or its surety, all sums paid to
 12 persons from the department's operating trust fund under this
 13 section. Any sums recovered shall be deposited to the credit
 14 of such fund. The division shall be awarded a reasonable
 15 attorney's fee for all actions taken to recover any sums paid
 16 to persons from such fund pursuant to this section.

17 (9) This section does not apply to any claim, and a
 18 person may not recover against the department's operating
 19 trust fund as the result of any claim, against a mobile home
 20 dealer or broker resulting from a cause of action directly
 21 related to the sale, lease-purchase, exchange, brokerage, or
 22 installation of a mobile home prior to January 1, 1999.

23 (10) Neither the division, nor the department's
 24 operating trust fund shall be liable to any person for
 25 recovery if such fund, from moneys deposited into the fund
 26 under this section, does not have the moneys necessary to pay
 27 amounts claimed. If the fund does not have sufficient assets
 28 to pay the claimant, it shall log the time and date of its
 29 determination for payment to a claimant. If moneys become
 30 available pursuant this section, the division shall pay the

31

1 claimant whose unpaid claim is the earliest by time and date
2 of determination.

3 (11) It is unlawful for any person or his or her agent
4 to file any notice, statement, or other document required
5 under this section which is false or contains any material
6 misstatement of fact. Any person who violates this subsection
7 is guilty of a misdemeanor of the second degree, punishable as
8 provided in s. 775.082 or s. 775.083.

9 Section 34. Effective January 1, 1999, section
10 553.434, Florida Statutes, is created to read:

11 553.434 Definitions.--In construing ss.
12 553.434-553.458, unless the context otherwise requires, the
13 following words or phrases have the following meanings:

14 (1) "Buyer" means a person who purchases at retail
15 from a dealer or manufacturer a mobile home for his or her own
16 use as a residence, or other related use.

17 (2) "Code" means the appropriate standards found in:

18 (a) The Federal Manufactured Housing Construction and
19 Safety Standards for single-family mobile homes, adopted by
20 the Department of Housing and Urban Development;

21 (b) The Uniform Standards Code approved by the
22 American National Standards Institute, ANSI A-119.2 for
23 recreational vehicles and ANSI A-119.5 for park trailers or
24 the United States Department of Housing and Urban Development
25 standard for park trailers certified as meeting that standard;
26 or

27 (c) The Mobile Home Repair and Remodeling Code and
28 Used Recreational Vehicle Code.

29 (3) "Construction" means the minimum requirements for
30 materials, products, equipment, and workmanship needed to
31 assure that the mobile home will provide structural strength

1 and rigidity; protection against corrosion, decay, and other
2 similar destructive forces; resistance to the elements; and
3 durability and economy of maintenance.

4 (4) "Institute" means the American National Standards
5 Institute.

6 (5) "Length," for purposes of transportation only,
7 means the distance from the extreme front of the mobile home,
8 to the extreme rear, including the drawbar and coupling
9 mechanism, but not including expandable features that do not
10 project from the body during transportation.

11 (6) "Length of a mobile home" means the distance from
12 the exterior of the front wall (nearest to the drawbar and
13 coupling mechanism) to the exterior of the rear wall (at the
14 opposite end of the home) where such walls enclose living or
15 other interior space and such distance includes expandable
16 rooms but not bay windows, porches, drawbars, couplings,
17 hitches, wall and roof extensions, or other attachments.

18 (7) "Licensee" means any person licensed or required
19 to be licensed under s. 553.435.

20 (8) "Mobile home dealer" means any person engaged in
21 the business of buying, selling, or dealing in mobile homes or
22 offering or displaying mobile homes for sale. Any person who
23 buys, sells, or deals in one or more mobile homes in any
24 12-month period or who offers or displays for sale one or more
25 mobile homes in any 12-month period shall be prima facie
26 presumed to be engaged in the business of a mobile home
27 dealer. The terms "selling" and "sale" include lease-purchase
28 transactions. The term "mobile home dealer" does not include
29 a bank, credit union, or finance company that acquires mobile
30 homes as an incident to its regular business, does not include
31 a mobile home rental or leasing company that sells mobile

1 homes to mobile home dealers licensed under s. 553.432, and
2 does not include persons who are selling their own mobile
3 homes.

4 (9) "Mobile home manufacturer" means any person,
5 resident or nonresident, who, as a trade or commerce,
6 manufactures or assembles mobile homes.

7 (10) "Responsible party" means a manufacturer, dealer,
8 or supplier.

9 (11) "Seal" or "label" means a device issued by the
10 department certifying that a mobile home meets the appropriate
11 code, which device is to be displayed on the exterior of the
12 mobile home.

13 (12) "Setup" means the operations performed at the
14 occupancy site which render a mobile home or park trailer fit
15 for habitation. Such operations include, but are not limited
16 to, transporting, positioning, blocking, leveling, supporting,
17 tying down, connecting utility systems, making minor
18 adjustments, or assembling multiple or expandable units.

19 (13) "Substantial defect" means:

20 (a) Any substantial deficiency or defect in materials
21 or workmanship occurring to a mobile home which has been
22 reasonably maintained and cared for in normal use.

23 (b) Any structural element, utility system, or
24 component of the mobile home, which fails to comply with the
25 code.

26 (14) "Supplier" means the original producer of
27 completed components, including refrigerators, stoves, hot
28 water heaters, dishwashers, cabinets, air conditioners,
29 heating units, and similar components, which are furnished to
30 a manufacturer or dealer for installation in the mobile home
31 prior to sale to a buyer.

1 (15) "Width of a mobile home" means the distance from
2 the exterior of one side wall to the exterior of the opposite
3 side wall where such walls enclose living or other interior
4 space and such distance includes expandable rooms but not bay
5 windows, porches, wall and roof extensions, or other
6 attachments.

7 (16) "Body size" of a park trailer means the distance
8 from the exterior side or end to the opposite exterior side or
9 end of the body. Such distance includes expandable rooms, bay
10 windows, wall and roof extensions, or other extrusions in the
11 travel mode, except park trailers constructed to ANSI A-119.5
12 shall not exceed 400 square feet. Park trailers constructed to
13 the United States Department of Housing and Urban Development
14 standard shall not exceed 500 square feet. All square footage
15 measurements are of the exterior when in setup mode and do not
16 include bay windows.

17 Section 35. Effective January 1, 1999, section
18 553.435, Florida Statutes, is created to read:

19 553.435 Mobile home manufacturer's license.--

20 (1) LICENSE REQUIRED.--Any person who engages in the
21 business of a mobile home manufacturer in this state, or who
22 manufactures mobile homes out of state which are ultimately
23 offered for sale in this state, shall obtain annually a
24 license for each factory location in this state and for each
25 factory location out of state which manufactures mobile homes
26 for sale in this state, prior to distributing mobile homes for
27 sale in this state.

28 (2) APPLICATION.--The application for a license shall
29 be in the form prescribed by the division and shall contain
30 sufficient information to disclose the identity, location, and
31 responsibility of the applicant. The application shall also

1 include a copy of the warranty and a complete statement of any
2 service agreement or policy to be utilized by the applicant,
3 any information relating to the applicant's solvency and
4 financial standing, and any other pertinent matter
5 commensurate with safeguarding the public. The division may
6 prescribe an abbreviated application for renewal of a license
7 if the licensee had previously filed an initial application
8 pursuant to this section. The application for renewal shall
9 include any information necessary to bring current the
10 information required in the initial application.

11 (3) FEES.--Upon making initial application, the
12 applicant shall pay to the division a fee of \$300. Upon
13 making renewal application, the applicant shall pay to the
14 division a fee of \$100. Any applicant for renewal who has
15 failed to submit his or her renewal application by October 1
16 shall pay a renewal application fee equal to the original
17 application fee. No fee is refundable. All fees shall be
18 deposited into the General Revenue Fund.

19 (4) NONRESIDENT.--Any person applying for a license
20 who is not a resident of this state shall have designated an
21 agent for service of process pursuant to s. 48.181.

22 (5) REQUIREMENT OF ASSURANCE.--

23 (a) Annually, prior to the receipt of a license to
24 manufacture mobile homes, the applicant or licensee shall
25 submit a surety bond, cash bond, or letter of credit from a
26 financial institution, or a proper continuation certificate,
27 sufficient to assure satisfaction of claims against the
28 licensee for failure to comply with appropriate code
29 standards, failure to provide warranty service, or violation
30 of any provisions of this section. The amount of the surety
31 bond, cash bond, or letter of credit shall be \$50,000. Only

1 one surety bond, cash bond, or letter of credit shall be
2 required for each manufacturer, regardless of the number of
3 factory locations. The surety bond, cash bond, or letter of
4 credit shall be to the division, in favor of any retail
5 customer who shall suffer loss arising out of noncompliance
6 with code standards or failure to honor or provide warranty
7 service. The division shall have the right to disapprove any
8 bond or letter of credit that does not provide assurance as
9 provided in this section.

10 (b) The division shall adopt rules pursuant to chapter
11 120 consistent with this section in providing assurance of
12 satisfaction of claims.

13 (c) The division shall, upon denial, suspension, or
14 revocation of any license, notify the surety company of the
15 licensee, in writing, that the license has been denied,
16 suspended, or revoked and shall state the reason for such
17 denial, suspension, or revocation.

18 (d) Any surety company which pays any claim against
19 the bond of any licensee shall notify the division, in
20 writing, that it has paid such a claim and shall state the
21 amount of the claim.

22 (e) Any surety company which cancels the bond of any
23 licensee shall notify the division, in writing, of such
24 cancellation, giving reason for the cancellation.

25 (6) LICENSE YEAR.--A license issued to a mobile home
26 manufacturer entitles the licensee to conduct the business of
27 a mobile home manufacturer for a period of 1 year from October
28 1 preceding the date of issuance.

29 (7) DENIAL OF LICENSE.--The division may deny a mobile
30 home manufacturer's license on the ground that:

31

1 (a) The applicant has made a material misstatement in
2 his or her application for a license.

3 (b) The applicant has failed to comply with any
4 applicable provision of this chapter.

5 (c) The applicant has failed to provide warranty
6 service.

7 (d) The applicant or one or more of his or her
8 principals or agents has violated any law, rule, or regulation
9 relating to the manufacture or sale of mobile homes.

10 (e) The division has proof of unfitness of the
11 applicant.

12 (f) The applicant or licensee has engaged in previous
13 conduct in any state which would have been a ground for
14 revocation or suspension of a license in this state.

15 (g) The applicant or licensee has violated any of the
16 provisions of the National Mobile Home Construction and Safety
17 Standards Act of 1974 or any rule or regulation of the
18 Department of Housing and Urban Development promulgated
19 thereunder.

20
21 Upon denial of a license, the division shall notify the
22 applicant within 10 days, stating in writing its grounds for
23 denial. The applicant is entitled to a public hearing and may
24 request that such hearing be held within 45 days of denial of
25 the license. All proceedings shall be pursuant to chapter
26 120.

27 (8) REVOCATION OR SUSPENSION OF LICENSE.--The division
28 shall suspend or, in the case of a subsequent offense, shall
29 revoke any license upon a finding that the licensee violated
30 any provision of this part or any other law of this state
31 regarding the manufacture, warranty, or sale of mobile homes.

1 When any license has been revoked or suspended by the
2 division, it may be reinstated if the division finds that the
3 former licensee has complied with all applicable requirements
4 of this part and an application for a license is refiled
5 pursuant to this section.

6 (9) CIVIL PENALTIES; PROCEDURE.--In addition to the
7 exercise of other powers provided in this section, the
8 division is authorized to assess, impose, levy, and collect by
9 legal process a civil penalty, in an amount not to exceed
10 \$1,000 for each violation, against any licensee if it finds
11 that a licensee has violated any provision of this section or
12 has violated any other law of this state having to do with
13 dealing in mobile homes. Any licensee shall be entitled to a
14 hearing pursuant to chapter 120 should the licensee wish to
15 contest the fine levied, or about to be levied, upon him or
16 her.

17 Section 36. Effective January 1, 1999, section
18 320.823, Florida Statutes, is transferred and renumbered as
19 section 553.436, Florida Statutes.

20 Section 37. Effective January 1, 1999, section
21 553.4365, Florida Statutes, is created to read:

22 553.4365 Establishment of uniform standards for park
23 trailers.--Park trailers exceeding 400 square feet shall meet
24 the Federal Manufactured Home Construction and Safety
25 Standards and shall have a United States Department of Housing
26 and Urban Development label.

27 Section 38. Effective January 1, 1999, section
28 553.437, Florida Statutes, is created to read:

29 553.437 Rules and regulations, changes and
30 modifications of standards.--

31

1 (1) The division may adopt such rules as it deems
2 necessary or proper for the effective administration and
3 enforcement of ss. 553.431-553.458 and may adopt any changes
4 in, or additions to, the standards adopted in s. 553.436 or s.
5 553.4365, which are approved and officially published by the
6 institute or adopted by the Department of Housing and Urban
7 Development subsequent to the effective date of this act.

8 (2) The division or its authorized agent may enter any
9 place or establishment where mobile homes are manufactured,
10 sold, or offered for sale, for the purpose of ascertaining
11 whether the requirements of the code and the regulations
12 adopted by the department have been met.

13 Section 39. Effective January 1, 1999, section
14 553.438, Florida Statutes, is created to read:

15 553.438 Limitation of alteration or modification to
16 mobile homes.--

17 (1) LIMITATION OF ALTERATIONS OR MODIFICATIONS.--No
18 alteration or modification shall be made to a mobile home by a
19 licensed dealer after shipment from the manufacturer's plant
20 unless such alteration or modification is authorized in this
21 section.

22 (2) EFFECT ON MOBILE HOME WARRANTY.--Unless an
23 alteration or modification is performed by a qualified person
24 as defined in subsection (4), the warranty responsibility of
25 the manufacturer as to the altered or modified item shall be
26 void.

27 (a) An alteration or modification performed by a
28 mobile home dealer or his or her agent or employee shall place
29 warranty responsibility for the altered or modified item upon
30 the dealer. If the manufacturer fulfills, or is required to
31 fulfill, the warranty on the altered or modified item, he or

1 she shall be entitled to recover damages in the amount of his
2 or her costs and attorneys' fees from the dealer.

3 (b) An alteration or modification performed by a
4 mobile home owner or his or her agent shall render the
5 manufacturer's warranty as to that item void. A statement
6 shall be displayed clearly and conspicuously on the face of
7 the warranty that the warranty is void as to the altered or
8 modified item if the alteration or modification is performed
9 by other than a qualified person. Failure to display such
10 statement shall result in warranty responsibility on the
11 manufacturer.

12 (3) AUTHORITY OF THE DIVISION.--The division is
13 authorized to adopt rules and regulations pursuant to chapter
14 120 which define the alterations or modifications which must
15 be made by qualified personnel. The division may regulate
16 only those alterations and modifications which substantially
17 impair the structural integrity or safety of the mobile home.

18 (4) DESIGNATION AS A QUALIFIED PERSON.--

19 (a) In order to be designated as a person qualified to
20 alter or modify a mobile home, a person must comply with local
21 or county licensing or competency requirements in skills
22 relevant to performing alterations or modifications on mobile
23 homes.

24 (b) When no local or county licensing or competency
25 requirements exist, the division may certify persons to
26 perform mobile home alterations or modifications. The
27 division shall by rule or regulation determine what skills and
28 competency requirements are requisite to the issuance of a
29 certification. A fee sufficient to cover the costs of issuing
30 certifications may be charged by the division. The
31 certification shall be valid for a period which terminates

1 when the county or other local governmental unit enacts
2 relevant competency or licensing requirements. The
3 certification shall be valid only in counties or localities
4 without licensing or competency requirements.

5 (c) The division shall determine which counties and
6 localities have licensing or competency requirements adequate
7 to eliminate the requirement of certification. This
8 determination shall be based on a review of the relevant
9 county or local standards for adequacy in regulating persons
10 who perform alterations or modifications to mobile homes. The
11 division shall find local or county standards adequate when
12 minimal licensing or competency standards are provided.

13 Section 40. Effective January 1, 1999, section
14 320.8249, Florida Statutes, is transferred and renumbered as
15 section 553.439, Florida Statutes, and is amended to read:

16 553.439 ~~320.8249~~ Mobile home installers license.--

17 (1) Any person who engages in mobile home installation
18 shall obtain a mobile home installers license from the
19 ~~division Bureau of Mobile Home and Recreational Vehicle~~
20 ~~Construction of the Department of Highway Safety and Motor~~
21 ~~Vehicles~~ pursuant to this section. Said license shall be
22 renewed annually, and each licensee shall pay a fee of \$150.

23 (2) The ~~division Department of Highway Safety and~~
24 ~~Motor Vehicles~~ shall issue a license as a mobile home
25 installer to any person who applies to the department, pays
26 the appropriate application fee, not to exceed \$100, as set by
27 ~~division department~~ rule, and complies with subsection (3).

28 (3) In order to obtain licensure as a mobile home
29 installer, the applicant must be at least 18 years old, must
30 hold a valid performance bond in an amount set by ~~division~~
31 ~~department~~ rule, not to exceed \$5,000, conditioned upon proper

1 performance of mobile home installation and weather-sealing
2 duties for a period of 1 year, must carry liability insurance
3 in an amount determined by division ~~department~~ rule, not to
4 exceed \$100,000, must complete a minimum 8-hour training
5 course approved by the division ~~department~~, and must pass a
6 division-approved ~~department-approved~~ examination designed to
7 test the skills necessary to properly and competently perform
8 mobile home installation and to ascertain that the applicant
9 has adequate knowledge of federal, state, and local laws
10 applicable to mobile home installation contracting. The
11 division ~~department~~ may charge an examination fee sufficient
12 to defray the costs of developing or obtaining and providing
13 the examination, not to exceed \$100. Any licensed dealer or
14 licensed manufacturer who has subcontracted with an installer
15 for installation and who remedies any faulty installation
16 performed by said installer shall have recourse against said
17 installer's performance bond.

18 ~~(4) Notwithstanding the provisions of subsection (3),~~
19 ~~any person who can show that he or she had been engaged in the~~
20 ~~business of mobile home installation on October 1, 1996, shall~~
21 ~~be exempted until October 1, 1997, from the requirement for~~
22 ~~completing training and for passing an examination in order to~~
23 ~~be licensed by the department as a mobile home installer and~~
24 ~~shall be licensed upon application, provided he or she has~~
25 ~~complied with all requirements of subsection (3), other than~~
26 ~~the training and examination requirements. No person shall be~~
27 ~~licensed or remain licensed as a mobile home installer~~
28 ~~subsequent to October 1, 1997, who has not taken and passed~~
29 ~~the department-approved mobile home installer examination.~~

30 (4)(5) A direct employee of a licensed mobile home
31 installer working under the supervision of the licensee and

1 within the job scope of the licensee is not required to be
2 licensed as a mobile home installer. The licensed mobile home
3 installer is responsible for supervising all such employees
4 and for the proper and competent performance of all employees
5 working under his or her supervision.

6 (5)~~(6)~~ "Installation," as used herein, is synonymous
7 with "setup" as defined in s. 553.434 ~~320.822(14)~~.

8 (6)~~(7)~~ No person shall:

9 (a) Falsely hold himself or herself or a business
10 organization out as a licensed mobile home installer;

11 (b) Falsely impersonate a licensed mobile home
12 installer;

13 (c) Present as his or her own the mobile home
14 installers license of another;

15 (d) Knowingly give false or forged evidence to the
16 division ~~department~~;

17 (e) Use or attempt to use a mobile home installers
18 license which has been suspended or revoked; or

19 (f) Engage in the business or act in the capacity of a
20 licensed mobile home installer or advertise himself or herself
21 or a business organization as available to engage in the
22 business or act in the capacity of a mobile home installer
23 without being duly licensed.

24 (7)~~(8)~~ Any unlicensed person who violates any of the
25 provisions of subsection (6)~~(7)~~ is guilty of a misdemeanor of
26 the first degree, punishable as provided in s. 775.082 or s.
27 775.083.

28 (8)~~(9)~~ No licensed person nor licensed applicant
29 shall:

30 (a) Obtain a mobile home installers license by fraud
31 or misrepresentation.

1 (b) Be convicted or found guilty of, or enter a plea
2 of nolo contendere to, regardless of adjudication, a crime in
3 any jurisdiction which directly relates to the practice of
4 mobile home installation or the ability to practice.

5 (c) Violate any lawful order of the division
6 ~~department~~.

7 (d) Commit fraud or deceit in the practice of
8 contracting.

9 (e) Commit incompetence or misconduct in the practice
10 of contracting.

11 (f) Commit gross negligence, repeated negligence, or
12 negligence resulting in a significant danger to life or
13 property.

14 (g) Commit violations of the installation standards
15 for mobile homes or manufactured homes contained in rules
16 15C-1.0102 to 15C-1.0104, Florida Administrative Code.

17 (9)~~(10)~~ Any licensed person or license applicant who
18 violates any provision of subsection (8)~~(9)~~ may have any of
19 the following disciplinary penalties imposed by the division
20 ~~department~~:

21 (a) License revocation;

22 (b) License suspension;

23 (c) A fine not to exceed \$1,000 per violation;

24 (d) A requirement to take and pass, or retake and
25 pass, the department-approved examination;

26 (e) Probation;

27 (f) Probation subject to such restriction of practice
28 as the division ~~department~~ chooses to impose;

29 (g) A notice of noncompliance; or

30 (h) Refusal of licensure application.

31

1 (10)~~(11)~~ Licensed mobile home dealers and licensed
 2 mobile home manufacturers are exempt from requirements to
 3 obtain a license as a mobile home installer and may perform
 4 mobile home installation. Any licensed dealer or licensed
 5 manufacturer who does not subcontract with a licensed
 6 installer and who performs his or her own installations,
 7 either himself or herself or through direct employees, shall
 8 have at least one employee who has completed an 8-hour
 9 installation training course, as approved by the division
 10 ~~department~~. Licensed mobile home dealers and mobile home
 11 manufacturers are subject to discipline against their license
 12 for violation of subsection (8)~~(9)~~.

13 (11)~~(12)~~ The regulation of manufactured home
 14 installers or mobile home installers is preempted to the
 15 state, and no person may perform mobile home installation
 16 unless licensed pursuant to this section, regardless of
 17 whether that person holds a local license.

18 (12)~~(13)~~ No county, municipality, or other unit of
 19 local government may require additional licensing of a duly
 20 licensed installer who performs setup operations as defined in
 21 s. 553.434 ~~320.822~~. However, a county, municipality, or other
 22 unit of local government may require an installer to obtain a
 23 local occupational license, which license shall not require
 24 for its issuance any conditions other than those required by
 25 this act and payment of the appropriate occupational license
 26 fee.

27 (13)~~(14)~~ All installers, dealers, and manufacturers
 28 shall purchase installation decals from the division
 29 ~~Department of Highway Safety and Motor Vehicles~~ for a fee not
 30 to exceed \$10 per decal. An installation decal shall be
 31 affixed to the manufactured home or mobile home prior to

1 installation. This decal shall denote the date of
 2 installation, the name of the installer, and the number of the
 3 installer's license or the dealer or manufacturer license
 4 number. Such decal shall be positioned immediately next to
 5 the HUD decal.

6 ~~(14)(15)~~ In performing the installation, installers
 7 shall not perform plumbing or electrical activities prohibited
 8 by division ~~department~~ rules related to setup operations
 9 pursuant to s. 553.434 ~~320.822~~.

10 ~~(15)(16)~~ Funds received by the division ~~department~~
 11 pursuant to this section shall be deposited in the
 12 department's Highway Safety Operating Trust Fund.

13 ~~(16)(17)~~ When mobile homeowners in a mobile home park
 14 obtain evaluations of the wind resistance of their mobile
 15 homes and make improvements in accordance thereto using funds
 16 from the General Appropriations Act pursuant to s. 627.0629,
 17 the applicable local, county, or municipal government may
 18 charge only one building permit or any other applicable fee or
 19 change, not to exceed the usual permit fee or charge that
 20 would have applied to a single mobile homeowner, for the
 21 entire mobile home park in which such evaluations are being
 22 performed. ~~There are hereby appropriated five positions and~~
 23 ~~\$219,295 from the Highway Safety Operating Trust Fund in the~~
 24 ~~Department of Highway Safety and Motor Vehicles to implement~~
 25 ~~the provisions of this section.~~

26 Section 41. Effective January 1, 1999, section
 27 320.8255, Florida Statutes, is transferred and renumbered as
 28 section 553.440, Florida Statutes, and is amended to read:

29 553.440 ~~320.8255~~ Mobile home inspection.--

30 (1) In order to ensure the highest degree of quality
 31 control in the construction of new mobile homes, each new

1 mobile home sold in the state shall be inspected by the
 2 division ~~department~~ pursuant to procedures developed by the
 3 division ~~department~~ which assure compliance with code
 4 provisions. The division ~~department~~ may adopt reasonable
 5 rules and regulations pursuant to chapter 120 for the
 6 implementation and enforcement of this inspection.

7 (2) Division ~~Department~~ inspectors shall make
 8 unannounced visits to manufacturing plants or take any other
 9 appropriate action which assures compliance with the code.

10 (3) Mobile home manufacturers and dealers shall be
 11 charged a fee for special inspections, including, but not
 12 limited to, plant approvals, 100 percent plant inspections,
 13 increased frequency inspections, reinspections, and special
 14 consumer complaint investigations as requested by a
 15 manufacturer or dealer or as may be deemed necessary by the
 16 division ~~department~~.

17 (4) The division ~~department~~ shall determine fees for
 18 special inspections and for the seal authorized under s.
 19 553.441 ~~320.827~~ which are sufficient to cover the cost of
 20 inspection and administration under this section. Fees
 21 collected shall be deposited into the General Revenue Fund.

22 Section 42. Effective January 1, 1999, section
 23 320.827, Florida Statutes, is transferred and renumbered as
 24 section 553.441, Florida Statutes, and is amended to read:

25 553.441 ~~320.827~~ Label; procedures for issuance;
 26 certification; requirements.--No dealer shall sell or offer
 27 for sale in this state any new mobile home ~~manufactured after~~
 28 ~~January 1, 1968,~~ unless the mobile home bears a label and the
 29 certification by the manufacturer that the mobile home to
 30 which the label is attached meets or exceeds the appropriate
 31 code. Any mobile home bearing the insignia of approval

1 pursuant to this section shall be deemed to comply with the
 2 requirements of all local government ordinances or rules which
 3 govern construction, and no mobile home bearing the division
 4 ~~department~~ insignia of approval shall be in any way modified
 5 except in compliance with this chapter. Labels may be issued
 6 by the division ~~department~~ when applied for with an affidavit
 7 certifying that the dealer or manufacturer applying will not
 8 attach a label to any new mobile home that does not meet or
 9 exceed the appropriate code. No mobile home may be
 10 manufactured in this state unless it bears a label and
 11 certification that the mobile home meets or exceeds the code.
 12 The label for each mobile home shall be displayed in a manner
 13 to be prescribed by the division ~~department~~.

14 Section 43. Effective January 1, 1999, section
 15 320.8285, Florida Statutes, is transferred and renumbered as
 16 section 553.442, Florida Statutes, and is amended to read:

17 553.442 ~~320.8285~~ Onsite inspection.--

18 (1) Each county or municipality in this state shall
 19 prepare and adopt a plan providing for an onsite inspection of
 20 each mobile home located within such entity. The onsite
 21 inspection shall ensure compliance with state and local
 22 building codes, ordinances, and regulations regarding such
 23 functions as blocking and leveling, tie-downs, utility
 24 connections, conversions of appliances, and external
 25 improvements on the mobile home. If a mobile home is
 26 manufactured in conformity with the code, as established in s.
 27 553.436 ~~320.823~~, a county may not require modification of the
 28 mobile home in order to comply with local tie-down
 29 regulations.

30 (2) When a county or municipality has not prepared and
 31 adopted a plan providing for onsite inspection, the division

1 ~~department~~ shall prepare a minimum onsite inspection plan for
2 such county. The division ~~department~~ may adopt ~~promulgate~~
3 reasonable rules and regulations pursuant to chapter 120 in
4 preparing and enforcing such a minimum onsite inspection plan.

5 (3) Each county or municipality may designate the
6 persons who are to perform the onsite inspection. If a county
7 or municipality does not so designate, the division ~~department~~
8 shall designate the persons who are to perform the onsite
9 inspection. No person shall be designated to perform onsite
10 inspections unless such person is competent in the areas of
11 mobile home blocking and leveling, tie-downs, utility
12 connections, conversions of appliances, and external
13 improvements. Pursuant to the onsite inspection, each mobile
14 home shall be issued a certificate of occupancy if the mobile
15 home complies with state and local building codes, ordinances,
16 and regulations regarding such functions as blocking and
17 leveling, tie-downs, utility connections, conversion of
18 appliances, and external improvements to the mobile home.

19 (4) Fees for onsite inspections and certificates of
20 occupancy of mobile homes shall be reasonable for the services
21 performed. A guideline for fee schedules shall be issued by
22 the division ~~department~~.

23 (5) The division ~~Department of Highway Safety and~~
24 ~~Motor Vehicles~~ shall enforce every provision of this section
25 and the regulations adopted pursuant hereto, except that local
26 land use and zoning requirements, fire zones, building setback
27 and side and rear yard requirements, site development and
28 property line requirements, subdivision control, and onsite
29 installation requirements, as well as review and regulation of
30 architectural and aesthetic requirements, are hereby
31 specifically and entirely reserved to local jurisdictions.

1 However, any architectural or aesthetic requirement imposed on
 2 the mobile home structure itself may pertain only to roofing
 3 and siding materials. Such local requirements and regulations
 4 and others for manufactured homes must be reasonable,
 5 uniformly applied, and enforced without distinctions as to
 6 whether such housing is manufactured, located in a mobile home
 7 park or a mobile home subdivision, or built in a conventional
 8 manner. No local jurisdiction shall prohibit siting or
 9 resiting of used mobile homes based solely on the date the
 10 unit was manufactured.

11 (6) Park trailers are subject to inspection in the
 12 same manner as are mobile homes pursuant to this section.

13 Section 44. Effective January 1, 1999, section
 14 320.830, Florida Statutes, is transferred and renumbered as
 15 section 553.443, Florida Statutes, and is amended to read:

16 553.443 ~~320.830~~ Reciprocity.--If any other state has
 17 codes for mobile homes at least equal to those established by
 18 this part ~~chapter~~, the division ~~department~~, upon determining
 19 that such standards are being enforced by an independent
 20 inspection agency, shall place the other state on a
 21 reciprocity list, which list shall be available to any
 22 interested person. Any mobile home that bears a seal of any
 23 state which has been placed on the reciprocity list may not be
 24 required to bear the seal of this state. A mobile home that
 25 does not bear the label herein provided shall not be permitted
 26 to be manufactured or offered for sale by a manufacturer or
 27 dealer anywhere within the geographical limits of this state
 28 unless the mobile home is designated for delivery into another
 29 state that has not adopted a code entitling the state to be
 30 placed on the reciprocity list.

31

1 Section 45. Effective January 1, 1999, section
2 320.831, Florida Statutes, is transferred and renumbered as
3 section 553.444, Florida Statutes, and is amended to read:

4 553.444 ~~320.831~~ Penalties.--

5 (1) Whoever violates any provision of the National
6 Mobile Home Construction and Safety Standards Act of 1974, 42
7 U.S.C. ss. 5401 et seq., or any rules, regulations, or final
8 order issued thereunder shall be liable for a civil penalty
9 not to exceed \$1,000 for each such violation. Each violation
10 of a provision of the act or any rule, regulation, or order
11 issued thereunder shall constitute a separate violation with
12 respect to each mobile home or with respect to each failure or
13 refusal to allow or perform an act required thereby, except
14 that the maximum civil penalty may not exceed \$1 million for
15 any related series of violations occurring within 1 year from
16 the date of the first violation.

17 (2) Any individual, or a director, officer, or agent
18 of a corporation, who knowingly and willfully violates the
19 provisions of s. 610 of the National Mobile Home Construction
20 and Safety Standards Act of 1974 in a manner which threatens
21 the health or safety of any purchaser is guilty of a
22 misdemeanor of the first degree, punishable as provided in s.
23 775.082 or s. 775.083.

24 (3) Any manufacturer, dealer, or inspector who
25 violates or fails to comply with any of the provisions of ss.
26 553.434-553.456 ~~320.822-320.862~~ or any of the rules adopted by
27 the department is guilty of a misdemeanor of the first degree,
28 punishable as provided in s. 775.082 or s. 775.083, provided
29 such violation is not also a violation of the National Mobile
30 Home Construction and Safety Standards Act of 1974 or any
31 rule, regulation, or final order issued thereunder.

1 Section 46. Effective January 1, 1999, section
2 320.8325, Florida Statutes, is transferred and renumbered as
3 section 553.445, Florida Statutes, and is amended to read:
4 553.445 ~~320.8325~~ Mobile homes and park trailers;
5 tie-down requirements; minimum installation standards;
6 injunctions; penalty.--

7 (1) The owner of a mobile home or park trailer shall
8 secure the mobile home or park trailer to the ground by the
9 use of anchors and tie-downs so as to resist wind overturning
10 and sliding. However, nothing herein shall be construed as
11 requiring that anchors and tie-downs be installed to secure
12 mobile homes or park trailers which are permanently attached
13 to a permanent structure. A permanent structure shall have a
14 foundation and such other structural elements as are required
15 pursuant to rules and regulations promulgated by the division
16 ~~department~~ which assure the rigidity and stability of the
17 mobile home or park trailer.

18 (a) A mobile home or park trailer manufactured in
19 accordance with the code standards and labeled "hurricane and
20 windstorm resistive" shall be anchored to each anchor point
21 provided on the mobile home or park trailer. A mobile home or
22 park trailer which does not meet these standards must be
23 anchored with anchor points spaced as required by the division
24 ~~department~~ starting at each end of the mobile home or park
25 trailer.

26 (b) In addition, each mobile home or park trailer
27 shall be tied down by one of the following means:

28 1. A mobile home or park trailer having built-in,
29 over-the-roof ties shall be secured by the tie-down points,
30 provided such built-in ties and points meet the standards
31 adopted ~~promulgated~~ by the division ~~department~~.

1 2. A mobile home or park trailer not having built-in,
2 over-the-roof ties and tie-down points which meet division
3 ~~department~~ standards shall be secured in accordance with
4 standards adopted ~~promulgated~~ by the division ~~department~~.

5 (2) The division ~~department~~ shall adopt ~~promulgate~~
6 rules ~~and regulations~~ setting forth minimum standards for the
7 manufacture and ~~or~~ installation of manufactured housing
8 installation systems, composed of anchors, buckles, straps,
9 stabilizer plates, and piers or other requirements mandated by
10 a manufacturer's installation manual ~~anchors, tie-downs,~~
11 ~~over-the-roof ties, or other reliable methods of securing~~
12 ~~mobile homes or park trailers when over-the-roof ties are not~~
13 ~~suitable due to factors such as unreasonable cost, design of~~
14 ~~the mobile home or park trailer, or potential damage to the~~
15 ~~mobile home or park trailer. Such~~ systems ~~devices~~ required
16 under this section, when properly installed, shall insure a
17 manufactured home remains secured to the ground when subjected
18 to winds equal to or less than their HUD code design criteria
19 and shall cause the mobile home or park trailer to resist wind
20 overturning and sliding. In promulgating Such rules shall be
21 reasonably related to the ~~and regulations, the department may~~
22 ~~make such discriminations regarding mobile home or park~~
23 ~~trailer tie-down requirements as are reasonable when factors~~
24 ~~such as age~~ and windzone of the manufactured housing,
25 ~~location, and practicality of tying down a mobile home or park~~
26 ~~trailer are considered. The division shall also develop~~
27 standards for installation and anchoring systems for park
28 trailers. Fees and civil penalties collected by the division
29 pursuant to s. 553.439 shall be deposited into the
30 department's Operating Trust Fund for the use by the division
31 for the testing of manufactured housing installation systems

1 and their individual components to insure that such products
2 being delivered to consumers in this state meet the wind
3 design criteria adopted by the division.

4 (3)(a) Persons licensed in this state to engage in the
5 business of insuring mobile homes or park trailers that are
6 subject to the provisions of this section against damage from
7 windstorm shall issue such insurance only if the mobile home
8 or park trailer has been anchored and tied down in accordance
9 with the provisions of this section.

10 (b) In the event that a mobile home or park trailer is
11 insured against damage caused by windstorm and subsequently
12 sustains windstorm damage of a nature that indicates that the
13 mobile home or park trailer was not anchored or tied down in
14 the manner required by this section, the person issuing the
15 policy shall not be relieved from meeting the obligations
16 specified in the insurance policy with respect to such damage
17 on the basis that the mobile home or park trailer was not
18 properly anchored or tied down.

19 (4) Whenever a person who engages in the business of
20 installing anchors, tie-downs, or over-the-roof ties or who
21 engages in the business of manufacturing, distributing, or
22 dealing in such devices for use in this state does so in a
23 manner that is not in accordance with the minimum standards
24 set forth by the division ~~department~~, a person aggrieved
25 thereby may bring an action in the appropriate court for
26 actual damages. In addition, the court may provide appropriate
27 equitable relief, including the enjoining of a violator from
28 engaging in the business or from engaging in further
29 violations. Whenever it is established to the satisfaction of
30 the court that a willful violation has occurred, the court
31 shall award punitive damages to the aggrieved party. The

1 losing party may be liable for court costs and reasonable
2 attorney's fees incurred by the prevailing party.

3 (5) In addition to other penalties provided in this
4 section, the division ~~department~~ or the state attorneys and
5 their assistants are authorized to apply to the circuit courts
6 within their respective jurisdictions, and such courts shall
7 have jurisdiction, upon hearing and for cause shown, to grant
8 temporary or permanent injunctions restraining any persons
9 engaging in the business of manufacturing, distributing, or
10 dealing in anchors, tie-downs, or over-the-roof ties from
11 manufacturing or selling such devices in a manner not in
12 accordance with the minimum standards set forth by the
13 division ~~department~~ or restraining any persons in the business
14 of installing anchors, tie-downs, or over-the-roof ties from
15 utilizing devices that do not meet the minimum standards set
16 forth by the division ~~department~~ or from installing such
17 devices in a manner not in accordance with the minimum
18 standards set forth by the division ~~department~~, whether or not
19 there exists an adequate remedy at law, and such injunctions
20 shall issue without bond.

21 (6) This section only applies to a mobile home or park
22 trailer that is being used as a dwelling place and that is
23 located on a particular location for a period of time
24 exceeding 14 days, for a mobile home, or 45 days, for a park
25 trailer.

26 (7) For the purposes of this section, the definitions
27 set forth in s. 553.434 ~~320.822~~ apply.

28 Section 47. Effective January 1, 1999, section
29 553.446, Florida Statutes, is created to read:

30 553.446 Retention, destruction, and reproduction of
31 records.--Records and documents of the division, created in

1 compliance with and in the implementation of this part, shall
2 be retained by the division as specified in record retention
3 schedules established under the general provisions of chapter
4 119. Further, the division is hereby authorized:

5 (1) To destroy, or otherwise dispose of, those records
6 and documents, in conformity with the approved retention
7 schedules.

8 (2) To photograph, microphotograph, or reproduce on
9 film, as authorized and directed by the approved retention
10 schedules, whereby each page will be exposed in exact
11 conformity with the original records and documents retained in
12 compliance with the provisions of this section. Photographs
13 or microphotographs in the form of film or print of any
14 records, made in compliance with the provisions of this
15 section, shall have the same force and effect as the originals
16 thereof would have and shall be treated as originals for the
17 purpose of their admissibility in evidence. Duly certified or
18 authenticated reproductions of such photographs or
19 microphotographs shall be admitted in evidence equally with
20 the original photographs or microphotographs.

21 Section 48. Effective January 1, 1999, section
22 320.8335, Florida Statutes, is transferred and renumbered as
23 section 553.447, Florida Statutes.

24 Section 49. Effective January 1, 1999, section
25 553.448, Florida Statutes, is created to read:

26 553.448 Purpose.--It is the intent of the Legislature
27 to ensure the safety and welfare of residents of mobile homes
28 through an inspection program conducted by the division.
29 Mobile homes are a primary housing resource of many of the
30 residents of the state and satisfy a large segment of
31 statewide housing needs. It is the further intent of the

1 Legislature that the division, mobile home dealers, and mobile
2 home manufacturers continue to work together to meet the
3 applicable code requirements for mobile homes and that such
4 dealers and manufacturers share the responsibilities of
5 warranting mobile homes in accordance with applicable codes
6 and resolving legitimate consumer complaints in a timely,
7 efficient manner.

8 Section 50. Effective January 1, 1999, section
9 553.449, Florida Statutes, is created to read:

10 553.449 Mobile home warranties.--Each manufacturer,
11 dealer, and supplier of mobile homes shall warrant each new
12 mobile home sold in this state and the setup of each such
13 mobile home, in accordance with the warranty requirements
14 prescribed by this section, for a period of at least 12
15 months, measured from the date of delivery of the mobile home
16 to the buyer. The warranty requirements of each manufacturer,
17 dealer, and supplier of mobile homes are as follows:

18 (1) The manufacturer warrants:

19 (a) For a mobile home, that all structural elements;
20 plumbing systems; heating, cooling, and fuel-burning systems;
21 electrical systems; fire prevention systems; and any other
22 components or conditions included by the manufacturer are free
23 from substantial defect.

24 (b) That 100-ampere electrical service exists in the
25 mobile home.

26 (2) The dealer warrants:

27 (a) That any modifications or alterations made to the
28 mobile home by the dealer or authorized by the dealer shall be
29 free from substantial defect. Alterations or modifications
30 made by a dealer shall relieve the manufacturer of warranty
31 responsibility only as to the item altered or modified.

1 (b) That setup operations performed on the mobile home
2 are performed in compliance with s. 553.445.

3 (c) That substantial defects do not occur to the
4 mobile home during setup or by transporting it to the
5 occupancy site.

6
7 When the setup of a mobile home is performed by a person who
8 is not an employee or agent of the mobile home manufacturer or
9 dealer and is not compensated or authorized by, or connected
10 with, such manufacturer or dealer, then the warranty
11 responsibility of the manufacturer or dealer as to setup shall
12 be limited to transporting the mobile home to the occupancy
13 site free from substantial defect.

14 (3) The supplier warrants that any warranties
15 generally offered in the ordinary sale of his or her product
16 to consumers shall be extended to buyers of mobile homes.
17 When no warranty is extended by suppliers, the manufacturer
18 shall assume warranty responsibility for that component.

19 Section 51. Effective January 1, 1999, section
20 553.450, Florida Statutes, is created to read:

21 553.450 Presenting warranty claim.--The claim in
22 writing, stating the substance of the warranty defect, may be
23 presented to the manufacturer, dealer, or supplier. When the
24 person notified is not the responsible party he or she shall
25 inform the claimant and shall notify the responsible party of
26 the warranty claim immediately.

27 Section 52. Effective January 1, 1999, section
28 553.451, Florida Statutes, is created to read:

29 553.451 Warranty service.--

30 (1) When a service agreement exists between
31 manufacturers, dealers, and suppliers to provide warranty

1 service, the agreement may specify which party is to remedy
2 warranty defects. However, when a warranty defect is not
3 properly remedied, the responsible party as determined
4 pursuant to s. 553.449 shall be responsible for providing
5 warranty service.

6 (2) When no service agreement exists for warranty
7 service, the responsible party as designated by s. 553.449 is
8 responsible for remedying the warranty defect.

9 (3) The defect shall be remedied within 30 days of
10 receipt of the written notification of the warranty claim
11 unless the claim is unreasonable or bona fide reasons exist
12 for not remedying the defect. When sufficient reasons exist
13 for not remedying the defect or the claim is unreasonable, the
14 responsible party shall respond to the claimant in writing
15 with its reasons for not promptly remedying the defect and
16 what further action is contemplated by the responsible party.

17 (4) When the person remedying the defect is not the
18 responsible party as designated by s. 553.449 he or she shall
19 be entitled to reasonable compensation paid to him or her by
20 the responsible party. Conduct which coerces or requires a
21 nonresponsible party to perform warranty service is a
22 violation of this section.

23 (5) Warranty service shall be performed at the site at
24 which the mobile home is initially delivered to the buyer,
25 except for components which can be removed for service without
26 substantial expense or inconvenience to the buyer.

27 Section 53. Effective January 1, 1999, section
28 553.452, Florida Statutes, is created to read:

29 553.452 Civil action.--Notwithstanding the existence
30 of other remedies, a buyer may bring a civil suit for damages
31 against a responsible party who fails to satisfactorily

1 resolve a warranty claim. Damages shall be the actual costs
2 of remedying the defect. Court costs and reasonable attorney
3 fees may be awarded to the prevailing party. When the court
4 finds that failure to honor warranty claims is a consistent
5 pattern of conduct of the responsible party, or that the
6 defect is so severe as to significantly impair the safety of
7 the mobile home, it may assess punitive damages against the
8 responsible party.

9 Section 54. Effective January 1, 1999, section
10 553.453, Florida Statutes, is created to read:

11 553.453 Cumulative remedies.--The warranty provided
12 for in this act shall be in addition to, and not in derogation
13 of, any other rights and privileges which the buyer may have
14 under any other law or instrument. The manufacturer, dealer
15 or supplier shall not require the buyer to waive his or her
16 rights under this act or any other rights under law. Any such
17 waiver shall be deemed contrary to public policy and
18 unenforceable and void.

19 Section 55. Effective January 1, 1999, section
20 320.840, Florida Statutes, is transferred and renumbered as
21 section 553.454, Florida Statutes.

22 Section 56. Effective January 1, 1999, section
23 553.455, Florida Statutes, is created to read:

24 553.455 Inspection of records; production of evidence;
25 subpoena power.--

26 (1) The division may inspect the pertinent books,
27 records, letters, and contracts of any licensee, whether
28 dealer or manufacturer, relating to any written complaint made
29 to it against such licensee.

30 (2) The division is granted and authorized to exercise
31 the power of subpoena for the attendance of witnesses and the

1 production of any documentary evidence necessary to the
2 disposition by it of any written complaint against any
3 licensee, whether dealer or manufacturer.

4 Section 57. Effective January 1, 1999, section
5 553.456, Florida Statutes, is created to read:

6 553.456 Revocation of license held by firms or
7 corporations.--If any applicant or licensee is a firm or
8 corporation, it shall be sufficient cause for the denial,
9 suspension, or revocation of a license that any officer,
10 director, or trustee of the firm or corporation, or any member
11 in case of a partnership, has been guilty of an act or
12 omission which would be cause for refusing, suspending, or
13 revoking a license to such party as an individual. Each
14 licensee shall be responsible for the acts of any of its
15 employees while acting as its agent if the licensee approved
16 of, or had knowledge of, the acts or other similar acts and,
17 after such approval or knowledge, retained the benefits,
18 proceeds, profits, or advantages accruing from, or otherwise
19 ratified, the acts.

20 Section 58. Effective January 1, 1999, section
21 553.457, Florida Statutes, is created to read:

22 553.457 Maintenance of records by the division.--The
23 division shall maintain uniform records of all complaints
24 filed against licensees licensed under the provisions of ss.
25 553.432 and 553.435, any other provision of this part to the
26 contrary notwithstanding. The records shall contain all
27 enforcement actions taken against licensees and against
28 unlicensed persons acting in a capacity which would require
29 them to be licensed under those sections. The permanent file
30 of each licensee and unlicensed person shall contain a record
31 of any complaints filed against him or her and a record of any

1 enforcement actions taken against him or her. All complaints
2 and satisfactions thereof and enforcement actions on each
3 licensee and unlicensed person shall be entered into the
4 central database in such a manner that rapid retrieval will be
5 facilitated. The complainant and the referring agency, if
6 there is one, shall be advised of the disposition by the
7 division of the complaint within 10 days after such action.

8 Section 59. Effective January 1, 1999, section
9 553.458, Florida Statutes, is created to read:

10 553.458 Transactions by electronic or telephonic
11 means.--The division is authorized to accept any application
12 provided for under this chapter by electronic or telephonic
13 means.

14 Section 60. Effective January 1, 1999, paragraph (b)
15 of subsection (1) of section 161.55, Florida Statutes, is
16 amended to read:

17 161.55 Requirements for activities or construction
18 within the coastal building zone.--The following requirements
19 shall apply beginning March 1, 1986, to construction within
20 the coastal building zone and shall be minimum standards for
21 construction in this area:

22 (1) STRUCTURAL REQUIREMENTS; MAJOR STRUCTURES.--

23 (b) Mobile homes shall conform to the Federal Mobile
24 Home Construction and Safety Standards or the Uniform
25 Standards Code ANSI book A-119.1, pursuant to s. 553.436
26 ~~320.823~~, and to the requirements of paragraph (c).

27 Section 61. Effective January 1, 1999, subsection (2)
28 of section 319.001, Florida Statutes, is amended to read:

29 319.001 Definitions.--As used in this chapter, the
30 term:

31

1 (2) "Licensed dealer," unless otherwise specifically
2 provided, means a motor vehicle dealer licensed under s.
3 320.27, a mobile home dealer licensed under s. 553.432 ~~320.77~~,
4 or a recreational vehicle dealer licensed under s. 320.771.

5 Section 62. Effective January 1, 1999, paragraph (d)
6 of subsection (1) of section 320.131, Florida Statutes, is
7 amended to read:

8 320.131 Temporary tags.--

9 (1) The department is authorized and empowered to
10 design, issue, and regulate the use of temporary tags to be
11 designated "temporary tags" for use in the following cases:

12 (d) For banks, credit unions, and other financial
13 institutions which are not required to be licensed under the
14 provisions of s. 320.27, s. 553.432 ~~320.77~~, or s. 320.771, but
15 need temporary tags for the purpose of demonstrating
16 repossessions for sale.

17
18 Further, the department is authorized to disallow the purchase
19 of temporary tags by licensed dealers, common carriers, or
20 financial institutions in those cases where abuse has
21 occurred.

22 Section 63. Effective January 1, 1999, subsection (9)
23 of section 320.27, Florida Statutes, is amended to read:

24 320.27 Motor vehicle dealers.--

25 (9) DENIAL, SUSPENSION, OR REVOCATION.--The department
26 may deny, suspend, or revoke any license issued hereunder or
27 under the provisions of ~~s. 320.77~~ or s. 320.771, upon proof
28 that a licensee has failed to comply with any of the following
29 provisions with sufficient frequency so as to establish a
30 pattern of wrongdoing on the part of the licensee:

1 (a) Willful violation of any other law of this state,
2 including chapter 319, this chapter, or ss. 559.901-559.9221,
3 which has to do with dealing in or repairing motor vehicles or
4 mobile homes or willful failure to comply with any
5 administrative rule promulgated by the department.

6 (b) Commission of fraud or willful misrepresentation
7 in application for or in obtaining a license.

8 (c) Perpetration of a fraud upon any person as a
9 result of dealing in motor vehicles, including, without
10 limitation, the misrepresentation to any person by the
11 licensee of the licensee's relationship to any manufacturer,
12 importer, or distributor.

13 (d) Representation that a demonstrator is a new motor
14 vehicle, or the attempt to sell or the sale of a demonstrator
15 as a new motor vehicle without written notice to the purchaser
16 that the vehicle is a demonstrator. For the purposes of this
17 section, a "demonstrator," a "new motor vehicle," and a "used
18 motor vehicle" shall be defined as under s. 320.60.

19 (e) Unjustifiable refusal to comply with a licensee's
20 responsibility under the terms of the new motor vehicle
21 warranty issued by its respective manufacturer, distributor,
22 or importer. However, if such refusal is at the direction of
23 the manufacturer, distributor, or importer, such refusal shall
24 not be a ground under this section.

25 (f) Misrepresentation or false, deceptive, or
26 misleading statements with regard to the sale or financing of
27 motor vehicles which any motor vehicle dealer has, or causes
28 to have, advertised, printed, displayed, published,
29 distributed, broadcast, televised, or made in any manner with
30 regard to the sale or financing of motor vehicles.

31

1 (g) Requirement by any motor vehicle dealer that a
2 customer or purchaser accept equipment on his or her motor
3 vehicle which was not ordered by the customer or purchaser.

4 (h) Requirement by any motor vehicle dealer that any
5 customer or purchaser finance a motor vehicle with a specific
6 financial institution or company.

7 (i) Failure by any motor vehicle dealer to provide a
8 customer or purchaser with an odometer disclosure statement
9 and a copy of any bona fide written, executed sales contract
10 or agreement of purchase connected with the purchase of the
11 motor vehicle purchased by the customer or purchaser.

12 (j) Failure of any motor vehicle dealer to comply with
13 the terms of any bona fide written, executed agreement,
14 pursuant to the sale of a motor vehicle.

15 (k) Requirement by the motor vehicle dealer that the
16 purchaser of a motor vehicle contract with the dealer for
17 physical damage insurance.

18 (l) Violation of any of the provisions of s. 319.35 by
19 any motor vehicle dealer.

20 (m) Either a history of bad credit or an unfavorable
21 credit rating as revealed by the applicant's official credit
22 report or by investigation by the department.

23 (n) Failure to disclose damage to a new motor vehicle
24 as defined in s. 320.60(10) of which the dealer had actual
25 knowledge if the dealer's actual cost of repair, excluding
26 tires, bumpers, and glass, exceeds 3 percent of the
27 manufacturer's suggested retail price; provided, however, if
28 only the application of exterior paint is involved, disclosure
29 shall be made if such touch-up paint application exceeds \$100.

30 (o) Failure to apply for transfer of a title as
31 prescribed in s. 319.23(6).

1 (p) Use of the dealer license identification number by
2 any person other than the licensed dealer or his or her
3 designee.

4 (q) Conviction of a felony.

5 (r) Failure to continually meet the requirements of
6 the licensure law.

7 (s) When a motor vehicle dealer is convicted of a
8 crime which results in his or her being prohibited from
9 continuing in that capacity, the dealer may not continue in
10 any capacity within the industry. The offender shall have no
11 financial interest, management, sales, or other role in the
12 operation of a dealership. Further, the offender may not
13 derive income from the dealership beyond reasonable
14 compensation for the sale of his or her ownership interest in
15 the business.

16 (t) Representation to a customer or any advertisement
17 to the general public representing or suggesting that a motor
18 vehicle is a new motor vehicle if such vehicle lawfully cannot
19 be titled in the name of the customer or other member of the
20 general public by the seller using a manufacturer's statement
21 of origin as permitted in s. 319.23(1).

22 (u) Failure to honor a bank draft or check given to a
23 motor vehicle dealer for the purchase of a motor vehicle by
24 another motor vehicle dealer within 10 days after notification
25 that the bank draft or check has been dishonored. A single
26 violation of this paragraph is sufficient for revocation or
27 suspension. If the transaction is disputed, the maker of the
28 bank draft or check shall post a bond in accordance with the
29 provisions of s. 559.917, and no proceeding for revocation or
30 suspension shall be commenced until the dispute is resolved.

31

1 Section 64. Effective January 1, 1999, section 320.28,
2 Florida Statutes, is amended to read:

3 320.28 Nonresident dealers in secondhand motor
4 vehicles or,recreational vehicles,~~or mobile homes~~.--Every
5 dealer in used or secondhand motor vehicles or,recreational
6 vehicles,~~or mobile homes~~ who is a nonresident of the state,
7 does not have a permanent place of business in this state, and
8 has not qualified as a dealer under the provisions of ss.
9 320.27,~~320.77~~,and 320.771, and any person other than a
10 dealer qualified under the provisions of said ss. 320.27,
11 ~~320.77~~,and 320.771, who brings any used or secondhand motor
12 vehicle or,recreational vehicle,~~or mobile home~~ into the
13 state for the purpose of sale, except to a dealer licensed
14 under the provisions of ss. 320.27,~~320.77~~,and 320.771,
15 shall, at least 10 days prior to the sale of said vehicle, the
16 offering of said vehicle for sale, or the advertising of said
17 vehicle for sale, make and file with the department the
18 official application for a certificate of title for said
19 vehicle as provided by law. Any person who has had one or
20 more transactions involving the sale of three or more used or
21 secondhand motor vehicles or,recreational vehicles,~~or mobile~~
22 ~~homes~~ in Florida during any 12-month period shall be deemed to
23 be a secondhand dealer in motor vehicles or,recreational
24 vehicles,~~or mobile homes~~.

25 Section 65. Effective January 1, 1999, subsection (1)
26 of section 320.71, Florida Statutes, is amended to read:

27 320.71 Nonresident motor vehicle,~~mobile home~~,or
28 recreational vehicle dealer's license.--

29 (1) Any person who is a nonresident of the state, who
30 does not have a dealer's contract from the manufacturer or
31 manufacturer's distributor of motor vehicles,~~mobile homes~~,or

1 recreational vehicles authorizing the sale thereof in definite
2 Florida territory, and who sells or engages in the business of
3 selling said vehicles at retail within the state shall
4 register with the Department of Revenue for a sales tax dealer
5 registration number and comply with chapter 212, and pay a
6 license tax of \$2,000 per annum in each county where such
7 sales are made; \$1,250 of said tax shall be transmitted to the
8 Department of Banking and Finance to be deposited in the
9 General Revenue Fund of the state, and \$750 thereof shall be
10 returned to the county. The license tax shall cover the
11 period from January 1 to the following December 31, and no
12 such license shall be issued for any fractional part of a
13 year.

14 Section 66. Effective January 1, 1999, section
15 320.822, Florida Statutes, is amended to read:

16 320.822 Definitions.--In construing ss.
17 320.822-320.862, unless the context otherwise requires, the
18 following words or phrases have the following meanings:

19 (1) "Buyer" means a person who purchases at retail
20 from a dealer or manufacturer a ~~mobile home or~~ recreational
21 vehicle for his or her own use as a residence, or other
22 related use.

23 (2) "Code" means the appropriate standards found in:

24 ~~(a) The Federal Manufactured Housing Construction and~~
25 ~~Safety Standards for single-family mobile homes, promulgated~~
26 ~~by the Department of Housing and Urban Development;~~

27 ~~(b) the Uniform Standards Code approved by the~~
28 American National Standards Institute, ANSI A-119.2 for
29 recreational vehicles ~~and ANSI A-119.5 for park trailers or~~
30 ~~the United States Department of Housing and Urban Development~~

31

1 ~~standard for park trailers certified as meeting that standard;~~
2 or

3 ~~(c) The Mobile Home Repair and Remodeling Code and the~~
4 Used Recreational Vehicle Code.

5 (3) "Construction" means the minimum requirements for
6 materials, products, equipment, and workmanship needed to
7 assure that the ~~mobile home or~~ recreational vehicle will
8 provide structural strength and rigidity; protection against
9 corrosion, decay, and other similar destructive forces;
10 resistance to the elements; and durability and economy of
11 maintenance.

12 (4) "Institute" means the American National ~~United~~
13 ~~States of America~~ Standards Institute.

14 (5) "Length," for purposes of transportation only,
15 means the distance from the extreme front of the ~~mobile home~~
16 ~~or~~ recreational vehicle, to the extreme rear, including the
17 drawbar and coupling mechanism, but not including expandable
18 features that do not project from the body during
19 transportation.

20 ~~(6) "Length of a mobile home" means the distance from~~
21 ~~the exterior of the front wall (nearest to the drawbar and~~
22 ~~coupling mechanism) to the exterior of the rear wall (at the~~
23 ~~opposite end of the home) where such walls enclose living or~~
24 ~~other interior space and such distance includes expandable~~
25 ~~rooms but not bay windows, porches, drawbars, couplings,~~
26 ~~hitches, wall and roof extensions, or other attachments.~~

27 (6)(7) "Licensee" means any person licensed or
28 required to be licensed under s. 320.8225.

29 ~~(8) "Mobile home dealer" means any person engaged in~~
30 ~~the business of buying, selling, or dealing in mobile homes or~~
31 ~~offering or displaying mobile homes for sale. Any person who~~

1 ~~buys, sells, or deals in one or more mobile homes in any~~
 2 ~~12-month period or who offers or displays for sale one or more~~
 3 ~~mobile homes in any 12-month period shall be prima facie~~
 4 ~~presumed to be engaged in the business of a mobile home~~
 5 ~~dealer. The terms "selling" and "sale" include lease-purchase~~
 6 ~~transactions. The term "mobile home dealer" does not include~~
 7 ~~a bank, credit union, or finance company that acquires mobile~~
 8 ~~homes as an incident to its regular business, does not include~~
 9 ~~a mobile home rental or leasing company that sells mobile~~
 10 ~~homes to mobile home dealers licensed under s. 320.77, and~~
 11 ~~does not include persons who are selling their own mobile~~
 12 ~~homes.~~

13 (7)~~(9)~~ "Recreational vehicle dealer" means any person
 14 engaged in the business of buying, selling, or dealing in
 15 recreational vehicles or offering or displaying recreational
 16 vehicles for sale. The term "dealer" includes a recreational
 17 vehicle broker. Any person who buys, sells, deals in, or
 18 offers or displays for sale, or who acts as the agent for the
 19 sale of, one or more recreational vehicles in any 12-month
 20 period shall be prima facie presumed to be a dealer. The
 21 terms "selling" and "sale" include lease-purchase
 22 transactions. The term "dealer" does not include banks,
 23 credit unions, and finance companies that acquire recreational
 24 vehicles as an incident to their regular business and does not
 25 include mobile home rental and leasing companies that sell
 26 recreational vehicles to dealers licensed under s. 320.771.

27 ~~(10) "Mobile home manufacturer" means any person,~~
 28 ~~resident or nonresident, who, as a trade or commerce,~~
 29 ~~manufactures or assembles mobile homes.~~

30 (8)~~(11)~~ "Recreational vehicle manufacturer" means any
 31 person, resident or nonresident, who, as a trade or commerce,

1 manufactures or assembles recreational vehicles or van-type
2 vehicles in such manner that they then qualify as recreational
3 vehicles, for sale in this state.

4 (9)~~(12)~~ "Responsible party" means a manufacturer,
5 dealer, or supplier.

6 (10)~~(13)~~ "Seal" or "label" means a device issued by
7 the department certifying that a ~~mobile home or~~ recreational
8 vehicle meets the appropriate code, which device is to be
9 displayed on the exterior of the ~~mobile home or~~ recreational
10 vehicle.

11 ~~(14)~~ "Setup" means the operations performed at the
12 occupancy site which render a ~~mobile home or park trailer fit~~
13 ~~for habitation. Such operations include, but are not limited~~
14 ~~to, transporting, positioning, blocking, leveling, supporting,~~
15 ~~tying down, connecting utility systems, making minor~~
16 ~~adjustments, or assembling multiple or expandable units.~~

17 (11)~~(15)~~ "Substantial defect" means:

18 (a) Any substantial deficiency or defect in materials
19 or workmanship occurring to a ~~mobile home or~~ recreational
20 vehicle which has been reasonably maintained and cared for in
21 normal use.

22 (b) Any structural element, utility system, or
23 component of the ~~mobile home or~~ recreational vehicle, which
24 fails to comply with the code.

25 (12)~~(16)~~ "Supplier" means the original producer of
26 completed components, including refrigerators, stoves, hot
27 water heaters, dishwashers, cabinets, air conditioners,
28 heating units, and similar components, which are furnished to
29 a manufacturer or dealer for installation in the ~~mobile home~~
30 ~~or~~ recreational vehicle prior to sale to a buyer.

31

1 ~~(17) "Width of a mobile home" means the distance from~~
2 ~~the exterior of one side wall to the exterior of the opposite~~
3 ~~side wall where such walls enclose living or other interior~~
4 ~~space and such distance includes expandable rooms but not bay~~
5 ~~windows, porches, wall and roof extensions, or other~~
6 ~~attachments.~~

7 (13)~~(18)~~ "Body size" of a ~~park trailer, travel~~
8 ~~trailer, or fifth-wheel trailer~~ means the distance from the
9 exterior side or end to the opposite exterior side or end of
10 the body. Such distance includes expandable rooms, bay
11 windows, wall and roof extensions, or other extrusions in the
12 travel mode. The following exceptions apply:

13 (a) Travel trailers shall not exceed 320 square feet.
14 All square footage measurements are of the exterior when in
15 setup mode, including bay windows.

16 ~~(b) Park trailers constructed to ANSI A-119.5 shall~~
17 ~~not exceed 400 square feet. Park trailers constructed to the~~
18 ~~United States Department of Housing and Urban Development~~
19 ~~standard shall not exceed 500 square feet. All square footage~~
20 ~~measurements are of the exterior when in setup mode and do not~~
21 ~~include bay windows.~~

22 (b)~~(c)~~ Fifth-wheel trailers may not exceed 400 square
23 feet. All square footage measurements are of the exterior when
24 in setup mode, including bay windows.

25 Section 67. Effective January 1, 1999, section
26 320.8225, Florida Statutes, is amended to read:

27 320.8225 ~~Mobile home and~~ Recreational vehicle
28 manufacturer's license.--

29 (1) LICENSE REQUIRED.--Any person who engages in the
30 business of a ~~mobile home or~~ recreational vehicle manufacturer
31 in this state, or who manufactures ~~mobile homes or~~

1 recreational vehicles out of state which are ultimately
2 offered for sale in this state, shall obtain annually a
3 license for each factory location in this state and for each
4 factory location out of state which manufactures ~~mobile homes~~
5 ~~or~~ recreational vehicles for sale in this state, prior to
6 distributing ~~mobile homes~~ or recreational vehicles for sale in
7 this state.

8 (2) APPLICATION.--The application for a license shall
9 be in the form prescribed by the department and shall contain
10 sufficient information to disclose the identity, location, and
11 responsibility of the applicant. The application shall also
12 include a copy of the warranty and a complete statement of any
13 service agreement or policy to be utilized by the applicant,
14 any information relating to the applicant's solvency and
15 financial standing, and any other pertinent matter
16 commensurate with safeguarding the public. The department may
17 prescribe an abbreviated application for renewal of a license
18 if the licensee had previously filed an initial application
19 pursuant to this section. The application for renewal shall
20 include any information necessary to bring current the
21 information required in the initial application.

22 (3) FEES.--Upon making initial application, the
23 applicant shall pay to the department a fee of \$300. Upon
24 making renewal application, the applicant shall pay to the
25 department a fee of \$100. Any applicant for renewal who has
26 failed to submit his or her renewal application by October 1
27 shall pay a renewal application fee equal to the original
28 application fee. No fee is refundable. All fees shall be
29 deposited into the General Revenue Fund.

30
31

1 (4) NONRESIDENT.--Any person applying for a license
2 who is not a resident of this state shall have designated an
3 agent for service of process pursuant to s. 48.181.

4 (5) REQUIREMENT OF ASSURANCE.--

5 ~~(a) Annually, prior to the receipt of a license to
6 manufacture mobile homes, the applicant or licensee shall
7 submit a surety bond, cash bond, or letter of credit from a
8 financial institution, or a proper continuation certificate,
9 sufficient to assure satisfaction of claims against the
10 licensee for failure to comply with appropriate code
11 standards, failure to provide warranty service, or violation
12 of any provisions of this section. The amount of the surety
13 bond, cash bond, or letter of credit shall be \$50,000. Only
14 one surety bond, cash bond, or letter of credit shall be
15 required for each manufacturer, regardless of the number of
16 factory locations. The surety bond, cash bond, or letter of
17 credit shall be to the department, in favor of any retail
18 customer who shall suffer loss arising out of noncompliance
19 with code standards or failure to honor or provide warranty
20 service. The department shall have the right to disapprove any
21 bond or letter of credit that does not provide assurance as
22 provided in this section.~~

23 (a)~~(b)~~ Annually, prior to the receipt of a license to
24 manufacture recreational vehicles, the applicant or licensee
25 shall submit a surety bond, or a proper continuation
26 certificate, sufficient to assure satisfaction of claims
27 against the licensee for failure to comply with appropriate
28 code standards, failure to provide warranty service, or
29 violation of any provisions of this section. The amount of
30 the surety bond shall be \$10,000 per year. The surety bond
31 shall be to the department, in favor of any retail customer

1 who shall suffer loss arising out of noncompliance with code
2 standards or failure to honor or provide warranty service. The
3 department shall have the right to disapprove any bond which
4 does not provide assurance as provided in this section.

5 (b)~~(c)~~ The department shall adopt rules pursuant to
6 chapter 120 consistent with this section in providing
7 assurance of satisfaction of claims.

8 (c)~~(d)~~ The department shall, upon denial, suspension,
9 or revocation of any license, notify the surety company of the
10 licensee, in writing, that the license has been denied,
11 suspended, or revoked and shall state the reason for such
12 denial, suspension, or revocation.

13 (d)~~(e)~~ Any surety company which pays any claim against
14 the bond of any licensee shall notify the department, in
15 writing, that it has paid such a claim and shall state the
16 amount of the claim.

17 (e)~~(f)~~ Any surety company which cancels the bond of
18 any licensee shall notify the department, in writing, of such
19 cancellation, giving reason for the cancellation.

20 (6) LICENSE YEAR.--A license issued to a ~~mobile home~~
21 ~~or~~ recreational vehicle manufacturer entitles the licensee to
22 conduct the business of a ~~mobile home or~~ recreational vehicle
23 manufacturer for a period of 1 year from October 1 preceding
24 the date of issuance.

25 (7) DENIAL OF LICENSE.--The department may deny a
26 ~~mobile home or~~ recreational vehicle manufacturer's license on
27 the ground that:

28 (a) The applicant has made a material misstatement in
29 his or her application for a license.

30 (b) The applicant has failed to comply with any
31 applicable provision of this chapter.

1 (c) The applicant has failed to provide warranty
2 service.

3 (d) The applicant or one or more of his or her
4 principals or agents has violated any law, rule, or regulation
5 relating to the manufacture or sale of ~~mobile homes or~~
6 recreational vehicles.

7 (e) The department has proof of unfitness of the
8 applicant.

9 (f) The applicant or licensee has engaged in previous
10 conduct in any state which would have been a ground for
11 revocation or suspension of a license in this state.

12 (g) The applicant or licensee has violated any of the
13 provisions of the code relating to recreational vehicles of
14 ~~the National Mobile Home Construction and Safety Standards Act~~
15 ~~of 1974 or any rule or regulation of the Department of Housing~~
16 ~~and Urban Development promulgated thereunder.~~

17
18 Upon denial of a license, the department shall notify the
19 applicant within 10 days, stating in writing its grounds for
20 denial. The applicant is entitled to a public hearing and may
21 request that such hearing be held within 45 days of denial of
22 the license. All proceedings shall be pursuant to chapter
23 120.

24 (8) REVOCATION OR SUSPENSION OF LICENSE.--The
25 department shall suspend or, in the case of a subsequent
26 offense, shall revoke any license upon a finding that the
27 licensee violated any provision of this chapter or any other
28 law of this state regarding the manufacture, warranty, or sale
29 of ~~mobile homes or~~ recreational vehicles. When any license
30 has been revoked or suspended by the department, it may be
31 reinstated if the department finds that the former licensee

1 has complied with all applicable requirements of this chapter
2 and an application for a license is refiled pursuant to this
3 section.

4 (9) CIVIL PENALTIES; PROCEDURE.--In addition to the
5 exercise of other powers provided in this section, the
6 department is authorized to assess, impose, levy, and collect
7 by legal process a civil penalty, in an amount not to exceed
8 \$1,000 for each violation, against any licensee if it finds
9 that a licensee has violated any provision of this section or
10 has violated any other law of this state having to do with
11 dealing in motor vehicles. Any licensee shall be entitled to
12 a hearing pursuant to chapter 120 should the licensee wish to
13 contest the fine levied, or about to be levied, upon him or
14 her.

15 Section 68. Effective January 1, 1999, subsection (1)
16 of section 320.8231, Florida Statutes, is amended to read:

17 320.8231 Establishment of uniform standards for
18 recreational vehicle-type units ~~and park trailers~~.--

19 (1) Each recreational vehicle-type unit, as defined in
20 s. 320.01(1)(b), manufactured in this state or manufactured
21 outside this state but sold or offered for sale in this state
22 shall meet the Uniform Standards Code ANSI book A-119.2 or
23 A-119.5, as applicable, approved by the American National
24 Standards Institute. Such standards shall include, but are not
25 limited to, standards for the installation of plumbing,
26 heating, and electrical systems and fire and life safety in
27 recreational vehicle-type units ~~and park trailers~~. ~~However,~~
28 ~~those park trailers exceeding 400 square feet shall meet the~~
29 ~~Federal Manufactured Home Construction and Safety Standards~~
30 ~~and shall have a United States Department of Housing and Urban~~
31 ~~Development label.~~

1 Section 69. Effective January 1, 1999, section
2 320.8232, Florida Statutes, is amended to read:

3 320.8232 Establishment of uniform standards for used
4 recreational vehicles ~~and repair and remodeling code for~~
5 ~~mobile homes.--~~

6 (1) Each used recreational vehicle manufactured after
7 January 1, 1968, and sold or offered for sale in this state by
8 a dealer or manufacturer shall meet the standards of the Used
9 Recreational Vehicle Code. The provisions of said code shall
10 ensure safe and livable housing and shall not be more
11 stringent than those standards required to be met in the
12 manufacture of recreational vehicles. Such provisions shall
13 include, but not be limited to, standards for structural
14 adequacy, plumbing, heating, electrical systems, and fire and
15 life safety.

16 ~~(2) The provisions of the repair and remodeling code~~
17 ~~shall ensure safe and livable housing and shall not be more~~
18 ~~stringent than those standards required to be met in the~~
19 ~~manufacture of mobile homes. Such provisions shall include,~~
20 ~~but not be limited to, standards for structural adequacy,~~
21 ~~plumbing, heating, electrical systems, and fire and life~~
22 ~~safety.~~

23 Section 70. Effective January 1, 1999, section
24 320.824, Florida Statutes, is amended to read:

25 320.824 Rules and regulations, changes and
26 modifications of standards.--

27 (1) The department may make such rules and regulations
28 as it shall deem necessary or proper for the effective
29 administration and enforcement of ss. 320.822-320.90 and may
30 adopt and promulgate any changes in, or additions to, the
31 standards adopted in ~~s. 320.823~~ or s. 320.8231, which are

1 approved and officially published by the institute or
2 promulgated by the Department of Housing and Urban Development
3 subsequent to the effective date of this act.

4 ~~(2) The department or its authorized agent may enter~~
5 ~~any place or establishment where mobile homes are~~
6 ~~manufactured, sold, or offered for sale, for the purpose of~~
7 ~~ascertaining whether the requirements of the code and the~~
8 ~~regulations adopted by the department have been met.~~

9 Section 71. Effective January 1, 1999, section
10 320.8245, Florida Statutes, is amended to read:

11 320.8245 Limitation of alteration or modification to
12 ~~mobile homes or recreational vehicles.--~~

13 (1) LIMITATION OF ALTERATIONS OR MODIFICATIONS.--No
14 alteration or modification shall be made to a ~~mobile home or~~
15 recreational vehicle by a licensed dealer after shipment from
16 the manufacturer's plant unless such alteration or
17 modification is authorized in this section.

18 (2) EFFECT ON ~~MOBILE HOME~~ WARRANTY.--Unless an
19 alteration or modification is performed by a qualified person
20 as defined in subsection (4), the warranty responsibility of
21 the manufacturer as to the altered or modified item shall be
22 void.

23 (a) An alteration or modification performed by a
24 ~~mobile home or~~ recreational vehicle dealer or his or her agent
25 or employee shall place warranty responsibility for the
26 altered or modified item upon the dealer. If the manufacturer
27 fulfills, or is required to fulfill, the warranty on the
28 altered or modified item, he or she shall be entitled to
29 recover damages in the amount of his or her costs and
30 attorneys' fees from the dealer.

31

1 (b) An alteration or modification performed by a
2 ~~mobile home or~~ recreational vehicle owner or his or her agent
3 shall render the manufacturer's warranty as to that item void.
4 A statement shall be displayed clearly and conspicuously on
5 the face of the warranty that the warranty is void as to the
6 altered or modified item if the alteration or modification is
7 performed by other than a qualified person. Failure to
8 display such statement shall result in warranty responsibility
9 on the manufacturer.

10 (3) AUTHORITY OF THE DEPARTMENT.--The department is
11 authorized to promulgate rules and regulations pursuant to
12 chapter 120 which define the alterations or modifications
13 which must be made by qualified personnel. The department may
14 regulate only those alterations and modifications which
15 substantially impair the structural integrity or safety of the
16 recreational vehicle ~~mobile home~~.

17 (4) DESIGNATION AS A QUALIFIED PERSON.--

18 (a) In order to be designated as a person qualified to
19 alter or modify a ~~mobile home or~~ recreational vehicle, a
20 person must comply with local or county licensing or
21 competency requirements in skills relevant to performing
22 alterations or modifications on ~~mobile homes or~~ recreational
23 vehicles.

24 (b) When no local or county licensing or competency
25 requirements exist, the department may certify persons to
26 perform recreational vehicle ~~mobile home~~ alterations or
27 modifications. The department shall by rule or regulation
28 determine what skills and competency requirements are
29 requisite to the issuance of a certification. A fee
30 sufficient to cover the costs of issuing certifications may be
31 charged by the department. The certification shall be valid

1 for a period which terminates when the county or other local
2 governmental unit enacts relevant competency or licensing
3 requirements. The certification shall be valid only in
4 counties or localities without licensing or competency
5 requirements.

6 (c) The department shall determine which counties and
7 localities have licensing or competency requirements adequate
8 to eliminate the requirement of certification. This
9 determination shall be based on a review of the relevant
10 county or local standards for adequacy in regulating persons
11 who perform alterations or modifications to recreational
12 vehicles ~~mobile homes~~. The department shall find local or
13 county standards adequate when minimal licensing or competency
14 standards are provided.

15 Section 72. Effective January 1, 1999, section
16 320.8256, Florida Statutes, is amended to read:

17 320.8256 Recreational vehicle inspection.--

18 ~~(1)~~ (1) In order to ensure the highest degree of quality
19 control in the construction of new recreational vehicles and
20 to ensure the safe condition of used recreational vehicles,
21 each new or used recreational vehicle sold in the state shall
22 be inspected by licensed recreational vehicle dealers offering
23 such unit for sale.

24 ~~(2) The department shall determine a fee for the seal~~
25 ~~authorized under s. 320.827 which is sufficient to cover the~~
26 ~~cost of producing and issuing the seal. Fees collected shall~~
27 ~~be deposited into the General Revenue Fund.~~

28 Section 73. Effective January 1, 1999, section
29 320.834, Florida Statutes, is amended to read:

30 320.834 Purpose.--It is the intent of the Legislature
31 to ensure the safety and welfare of residents of recreational

1 vehicles ~~mobile homes~~ through an inspection program conducted
 2 by the Department of Highway Safety and Motor Vehicles.
 3 ~~Mobile homes are a primary housing resource of many of the~~
 4 ~~residents of the state and satisfy a large segment of~~
 5 ~~statewide housing needs.~~ It is the further intent of the
 6 Legislature that the department, recreational vehicle ~~mobile~~
 7 ~~home~~ dealers, and recreational vehicle ~~mobile home~~
 8 manufacturers continue to work together to meet the applicable
 9 code requirements for recreational vehicles ~~mobile homes~~ and
 10 that such dealers and manufacturers share the responsibilities
 11 of warranting recreational vehicles ~~mobile homes~~ in accordance
 12 with applicable codes and resolving legitimate consumer
 13 complaints in a timely, efficient manner.

14 Section 74. Effective January 1, 1999, section
 15 320.835, Florida Statutes, is amended to read:

16 320.835 ~~Mobile home and~~ Recreational vehicle
 17 warranties.--Each manufacturer, dealer, and supplier of ~~mobile~~
 18 ~~homes or~~ recreational vehicles shall warrant each new ~~mobile~~
 19 ~~home or~~ recreational vehicle sold in this state ~~and the setup~~
 20 ~~of each such mobile home~~, in accordance with the warranty
 21 requirements prescribed by this section, for a period of at
 22 least 12 months, measured from ~~the date of delivery of the~~
 23 ~~mobile home to the buyer or~~ the date of sale of the
 24 recreational vehicle. The warranty requirements of each
 25 manufacturer, dealer, and supplier of ~~mobile homes or~~
 26 recreational vehicles are as follows:

- 27 (1) The manufacturer warrants⁺
 28 (a) for a ~~mobile home or~~ recreational vehicle, that
 29 all structural elements; plumbing systems; heating, cooling,
 30 and fuel-burning systems; electrical systems; fire prevention
 31

1 systems; and any other components or conditions included by
2 the manufacturer are free from substantial defect.

3 ~~(b) That 100-ampere electrical service exists in the~~
4 ~~mobile home.~~

5 (2) The dealer warrants⁺

6 ~~(a) that any modifications or alterations made to the~~
7 ~~mobile home or recreational vehicle by the dealer or~~
8 ~~authorized by the dealer shall be free from substantial~~
9 ~~defect. Alterations or modifications made by a dealer shall~~
10 ~~relieve the manufacturer of warranty responsibility only as to~~
11 ~~the item altered or modified.~~

12 ~~(b) That setup operations performed on the mobile home~~
13 ~~are performed in compliance with s. 320.8325.~~

14 ~~(c) That substantial defects do not occur to the~~
15 ~~mobile home during setup or by transporting it to the~~
16 ~~occupancy site.~~

17
18 ~~When the setup of a mobile home is performed by a person who~~
19 ~~is not an employee or agent of the mobile home manufacturer or~~
20 ~~dealer and is not compensated or authorized by, or connected~~
21 ~~with, such manufacturer or dealer, then the warranty~~
22 ~~responsibility of the manufacturer or dealer as to setup shall~~
23 ~~be limited to transporting the mobile home to the occupancy~~
24 ~~site free from substantial defect.~~

25 (3) The supplier warrants that any warranties
26 generally offered in the ordinary sale of his or her product
27 to consumers shall be extended to buyers of ~~mobile homes and~~
28 recreational vehicles. When no warranty is extended by
29 suppliers, the manufacturer shall assume warranty
30 responsibility for that component.

31

1 Section 75. Effective January 1, 1999, section
2 320.865, Florida Statutes, is amended to read:

3 320.865 Maintenance of records by the department.--The
4 department shall maintain uniform records of all complaints
5 filed against licensees licensed under the provisions of ss.
6 320.27, 320.61, ~~320.77~~, 320.771, and 320.8225, any other
7 provision of this chapter to the contrary notwithstanding. The
8 records shall contain all enforcement actions taken against
9 licensees and against unlicensed persons acting in a capacity
10 which would require them to be licensed under those sections.
11 The permanent file of each licensee and unlicensed person
12 shall contain a record of any complaints filed against him or
13 her and a record of any enforcement actions taken against him
14 or her. All complaints and satisfactions thereof and
15 enforcement actions on each licensee and unlicensed person
16 shall be entered into the central database in such a manner
17 that rapid retrieval will be facilitated. The complainant and
18 the referring agency, if there is one, shall be advised of the
19 disposition by the department of the complaint within 10 days
20 of such action.

21 Section 76. Effective January 1, 1999, subsection (3)
22 of section 325.202, Florida Statutes, is amended to read:

23 325.202 Definitions.--As used in this act, the term:

24 (3) "Dealer certificate" means an inspection
25 certificate issued to a motor vehicle dealer, motor vehicle
26 broker as defined in s. 320.07, mobile home dealer as defined
27 in s. 553.432 ~~320.77~~, or recreational vehicle dealer as
28 defined in s. 320.771, indicating that a motor vehicle has
29 passed an emissions inspection, which grants the dealer or
30 broker 12 months in which to sell at retail the identified
31 motor vehicle owned by the dealer or broker.

1 Section 77. Effective January 1, 1999, subsection (8)
2 of section 325.203, Florida Statutes, is amended to read:

3 325.203 Motor vehicles subject to annual inspection;
4 exemptions.--

5 (8) A motor vehicle dealer, motor vehicle broker as
6 defined in s. 320.27, mobile home dealer as defined in s.
7 553.432 ~~320.77~~, recreational vehicle dealer as defined in s.
8 320.771, governmental agency subject to subsection (5), or
9 person located in a program area may not sell at retail any
10 motor vehicle that is subject to inspection under this act and
11 that is to be registered in a program area unless the motor
12 vehicle has received a valid inspection certificate within 180
13 days before sale or received a valid dealer certificate within
14 12 months before sale. If a motor vehicle is purchased outside
15 the program area and is required to be registered in the
16 program area, the purchaser must meet the inspection
17 requirements of this act before such registration.

18 Section 78. Effective January 1, 1999, subsections (2)
19 and (4) and paragraph (a) of subsection (6) of section
20 325.213, Florida Statutes, are amended to read:

21 325.213 Self-inspectors.--

22 (2) Any applicant shall pay to the department a
23 nonrefundable fee of \$100 in addition to any other fees
24 required by law. Upon making a renewal application, the
25 applicant shall pay to the department a nonrefundable fee of
26 \$50 in addition to any other fees required by law. If the
27 applicant is a motor vehicle ~~or mobile home~~ dealer licensed
28 under s. 320.27 ~~or s. 320.77~~, or a recreational vehicle dealer
29 licensed under s. 320.771, the nonrefundable application fee
30 and subsequent nonrefundable renewal application fee is \$25,
31 in addition to any other fees required by law.

1 (4) Each self-inspector license issued by the
2 department is valid for the year of issue and shall expire
3 annually on December 31 unless revoked or suspended prior to
4 that date. The self-inspector license for a motor vehicle,
5 ~~mobile home dealer~~, and recreational vehicle dealer shall
6 expire annually on the same date that the dealer license
7 issued pursuant to the provisions of s. 320.27, ~~s. 320.77~~, or
8 s. 320.771 expires. A renewal application made subsequent to
9 the expiration date must be accompanied by a delinquency fee
10 of \$50 in addition to the renewal application fee prescribed
11 in subsection (2).

12 (6)(a) Prior to the issuance of a self-inspector
13 license, the applicant shall deliver to the department a good
14 and sufficient surety bond or irrevocable letter of credit,
15 executed by the applicant as principal, in the sum of \$5,000.
16 If the applicant is a motor vehicle dealer, ~~a mobile home~~
17 ~~dealer~~, or a recreational vehicle dealer licensed by the
18 department, this requirement shall be waived in lieu of the
19 surety bond required under s. 320.27, ~~s. 320.77~~, or s.
20 320.771. A surety bond or letter of credit is not required if
21 the applicant is a state or local government agency.

22 Section 79. Effective January 1, 1999, paragraph (b)
23 of subsection (2) of section 627.351, Florida Statutes, is
24 amended to read:

25 627.351 Insurance risk apportionment plans.--

26 (2) WINDSTORM INSURANCE RISK APPORTIONMENT.--

27 (b) The department shall require all insurers holding
28 a certificate of authority to transact property insurance on a
29 direct basis in this state, other than joint underwriting
30 associations and other entities formed pursuant to this
31 section, to provide windstorm coverage to applicants from

1 areas determined to be eligible pursuant to paragraph (c) who
 2 in good faith are entitled to, but are unable to procure, such
 3 coverage through ordinary means; or it shall adopt a
 4 reasonable plan or plans for the equitable apportionment or
 5 sharing among such insurers of windstorm coverage, which may
 6 include formation of an association for this purpose. As used
 7 in this subsection, the term "property insurance" means
 8 insurance on real or personal property, as defined in s.
 9 624.604, including insurance for fire, industrial fire, allied
 10 lines, farmowners multiperil, homeowners' multiperil,
 11 commercial multiperil, and mobile homes, and including
 12 liability coverages on all such insurance, but excluding
 13 inland marine as defined in s. 624.607(3) and excluding
 14 vehicle insurance as defined in s. 624.605(1)(a) other than
 15 insurance on mobile homes used as permanent dwellings. The
 16 department shall adopt rules that provide a formula for the
 17 recovery and repayment of any deferred assessments.

18 1. For the purpose of this section, properties
 19 eligible for such windstorm coverage are defined as dwellings,
 20 buildings, and other structures, including mobile homes which
 21 are used as dwellings and which are tied down in compliance
 22 with mobile home tie-down requirements prescribed by the
 23 Division of Factory-built Housing of the Department of
 24 Community Affairs ~~Highway Safety and Motor Vehicles~~ pursuant
 25 to s. 553.445 ~~320.8325~~, and the contents of all such
 26 properties. An applicant or policyholder is eligible for
 27 coverage only if an offer of coverage cannot be obtained by or
 28 for the applicant or policyholder from an admitted insurer at
 29 approved rates.

30 2.a.(I) All insurers required to be members of such
 31 association shall participate in its writings, expenses, and

1 losses. Surplus of the association shall be retained for the
2 payment of claims and shall not be distributed to the member
3 insurers. Such participation by member insurers shall be in
4 the proportion that the net direct premiums of each member
5 insurer written for property insurance in this state during
6 the preceding calendar year bear to the aggregate net direct
7 premiums for property insurance of all member insurers, as
8 reduced by any credits for voluntary writings, in this state
9 during the preceding calendar year. For the purposes of this
10 subsection, the term "net direct premiums" means direct
11 written premiums for property insurance, reduced by premium
12 for liability coverage and for the following if included in
13 allied lines: rain and hail on growing crops; livestock;
14 association direct premiums booked; National Flood Insurance
15 Program direct premiums; and similar deductions specifically
16 authorized by the plan of operation and approved by the
17 department. A member's participation shall begin on the first
18 day of the calendar year following the year in which it is
19 issued a certificate of authority to transact property
20 insurance in the state and shall terminate 1 year after the
21 end of the calendar year during which it no longer holds a
22 certificate of authority to transact property insurance in the
23 state. The commissioner, after review of annual statements,
24 other reports, and any other statistics that the commissioner
25 deems necessary, shall certify to the association the
26 aggregate direct premiums written for property insurance in
27 this state by all member insurers.

28 (II) The plan of operation shall provide for a board
29 of directors consisting of the Insurance Consumer Advocate
30 appointed under s. 627.0613, 1 consumer representative
31 appointed by the Insurance Commissioner, 1 consumer

1 representative appointed by the Governor, and 12 additional
2 members appointed as specified in the plan of operation. One
3 of the 12 additional members shall be elected by the domestic
4 companies of this state on the basis of cumulative weighted
5 voting based on the net direct premiums of domestic companies
6 in this state. Nothing in the 1997 amendments to this
7 paragraph terminates the existing board or the terms of any
8 members of the board.

9 (III) The plan of operation shall provide a formula
10 whereby a company voluntarily providing windstorm coverage in
11 affected areas will be relieved wholly or partially from
12 apportionment of a regular assessment pursuant to
13 sub-sub-subparagraph d.(I) or sub-sub-subparagraph d.(II).

14 (IV) A company which is a member of a group of
15 companies under common management may elect to have its
16 credits applied on a group basis, and any company or group may
17 elect to have its credits applied to any other company or
18 group.

19 (V) There shall be no credits or relief from
20 apportionment to a company for emergency assessments collected
21 from its policyholders under sub-sub-subparagraph d.(III).

22 (VI) The plan of operation may also provide for the
23 award of credits, for a period not to exceed 3 years, from a
24 regular assessment pursuant to sub-sub-subparagraph d.(I) or
25 sub-sub-subparagraph d.(II) as an incentive for taking
26 policies out of the Residential Property and Casualty Joint
27 Underwriting Association. In order to qualify for the
28 exemption under this sub-sub-subparagraph, the take-out plan
29 must provide that at least 40 percent of the policies removed
30 from the Residential Property and Casualty Joint Underwriting
31 Association cover risks located in Dade, Broward, and Palm

1 Beach Counties or at least 30 percent of the policies so
 2 removed cover risks located in Dade, Broward, and Palm Beach
 3 Counties and an additional 50 percent of the policies so
 4 removed cover risks located in other coastal counties, and
 5 must also provide that no more than 15 percent of the policies
 6 so removed may exclude windstorm coverage. With the approval
 7 of the department, the association may waive these geographic
 8 criteria for a take-out plan that removes at least the lesser
 9 of 100,000 Residential Property and Casualty Joint
 10 Underwriting Association policies or 15 percent of the total
 11 number of Residential Property and Casualty Joint Underwriting
 12 Association policies, provided the governing board of the
 13 Residential Property and Casualty Joint Underwriting
 14 Association certifies that the take-out plan will materially
 15 reduce the Residential Property and Casualty Joint
 16 Underwriting Association's 100-year probable maximum loss from
 17 hurricanes. With the approval of the department, the board
 18 may extend such credits for an additional year if the insurer
 19 guarantees an additional year of renewability for all policies
 20 removed from the Residential Property and Casualty Joint
 21 Underwriting Association, or for 2 additional years if the
 22 insurer guarantees 2 additional years of renewability for all
 23 policies removed from the Residential Property and Casualty
 24 Joint Underwriting Association.

25 b. Assessments to pay deficits in the association
 26 under this subparagraph shall be included as an appropriate
 27 factor in the making of rates as provided in s. 627.3512.

28 c. The Legislature finds that the potential for
 29 unlimited deficit assessments under this subparagraph may
 30 induce insurers to attempt to reduce their writings in the
 31 voluntary market, and that such actions would worsen the

1 availability problems that the association was created to
 2 remedy. It is the intent of the Legislature that insurers
 3 remain fully responsible for paying regular assessments and
 4 collecting emergency assessments for any deficits of the
 5 association; however, it is also the intent of the Legislature
 6 to provide a means by which assessment liabilities may be
 7 amortized over a period of years.

8 d.(I) When the deficit incurred in a particular
 9 calendar year is 10 percent or less of the aggregate statewide
 10 direct written premium for property insurance for the prior
 11 calendar year for all member insurers, the association shall
 12 levy an assessment on member insurers in an amount equal to
 13 the deficit.

14 (II) When the deficit incurred in a particular
 15 calendar year exceeds 10 percent of the aggregate statewide
 16 direct written premium for property insurance for the prior
 17 calendar year for all member insurers, the association shall
 18 levy an assessment on member insurers in an amount equal to
 19 the greater of 10 percent of the deficit or 10 percent of the
 20 aggregate statewide direct written premium for property
 21 insurance for the prior calendar year for member insurers. Any
 22 remaining deficit shall be recovered through emergency
 23 assessments under sub-sub-subparagraph (III).

24 (III) Upon a determination by the board of directors
 25 that a deficit exceeds the amount that will be recovered
 26 through regular assessments on member insurers, pursuant to
 27 sub-sub-subparagraph (I) or sub-sub-subparagraph (II), the
 28 board shall levy, after verification by the department,
 29 emergency assessments to be collected by member insurers and
 30 by underwriting associations created pursuant to this section
 31 which write property insurance, upon issuance or renewal of

1 property insurance policies other than National Flood
2 Insurance policies in the year or years following levy of the
3 regular assessments. The amount of the emergency assessment
4 collected in a particular year shall be a uniform percentage
5 of that year's direct written premium for property insurance
6 for all member insurers and underwriting associations,
7 excluding National Flood Insurance policy premiums, as
8 annually determined by the board and verified by the
9 department. The department shall verify the arithmetic
10 calculations involved in the board's determination within 30
11 days after receipt of the information on which the
12 determination was based. Notwithstanding any other provision
13 of law, each member insurer and each underwriting association
14 created pursuant to this section shall collect emergency
15 assessments from its policyholders without such obligation
16 being affected by any credit, limitation, exemption, or
17 deferment. The emergency assessments so collected shall be
18 transferred directly to the association on a periodic basis as
19 determined by the association. The aggregate amount of
20 emergency assessments levied under this sub-sub-subparagraph
21 in any calendar year may not exceed the greater of 10 percent
22 of the amount needed to cover the original deficit, plus
23 interest, fees, commissions, required reserves, and other
24 costs associated with financing of the original deficit, or 10
25 percent of the aggregate statewide direct written premium for
26 property insurance written by member insurers and underwriting
27 associations for the prior year, plus interest, fees,
28 commissions, required reserves, and other costs associated
29 with financing the original deficit. The board may pledge the
30 proceeds of the emergency assessments under this
31 sub-sub-subparagraph as the source of revenue for bonds, to

1 retire any other debt incurred as a result of the deficit or
2 events giving rise to the deficit, or in any other way that
3 the board determines will efficiently recover the deficit. The
4 emergency assessments under this sub-sub-subparagraph shall
5 continue as long as any bonds issued or other indebtedness
6 incurred with respect to a deficit for which the assessment
7 was imposed remain outstanding, unless adequate provision has
8 been made for the payment of such bonds or other indebtedness
9 pursuant to the document governing such bonds or other
10 indebtedness. Emergency assessments collected under this
11 sub-sub-subparagraph are not part of an insurer's rates, are
12 not premium, and are not subject to premium tax, fees, or
13 commissions; however, failure to pay the emergency assessment
14 shall be treated as failure to pay premium.

15 (IV) Each member insurer's share of the total regular
16 assessments under sub-sub-subparagraph (I) or
17 sub-sub-subparagraph (II) shall be in the proportion that the
18 insurer's net direct premium for property insurance in this
19 state, for the year preceding the assessment bears to the
20 aggregate statewide net direct premium for property insurance
21 of all member insurers, as reduced by any credits for
22 voluntary writings for that year.

23 (V) If regular deficit assessments are made under
24 sub-sub-subparagraph (I) or sub-sub-subparagraph (II), or by
25 the Residential Property and Casualty Joint Underwriting
26 Association under sub-subparagraph (6)(b)3.a. or
27 sub-subparagraph (6)(b)3.b., the association shall levy upon
28 the association's policyholders, as part of its next rate
29 filing, or by a separate rate filing solely for this purpose,
30 a market equalization surcharge in a percentage equal to the
31 total amount of such regular assessments divided by the

1 aggregate statewide direct written premium for property
 2 insurance for member insurers for the prior calendar year.
 3 Market equalization surcharges under this sub-sub-subparagraph
 4 are not considered premium and are not subject to commissions,
 5 fees, or premium taxes; however, failure to pay a market
 6 equalization surcharge shall be treated as failure to pay
 7 premium.

8 e. The governing body of any unit of local government,
 9 any residents of which are insured under the plan, may issue
 10 bonds as defined in s. 125.013 or s. 166.101 to fund an
 11 assistance program, in conjunction with the association, for
 12 the purpose of defraying deficits of the association. In order
 13 to avoid needless and indiscriminate proliferation,
 14 duplication, and fragmentation of such assistance programs,
 15 any unit of local government, any residents of which are
 16 insured by the association, may provide for the payment of
 17 losses, regardless of whether or not the losses occurred
 18 within or outside of the territorial jurisdiction of the local
 19 government. Revenue bonds may not be issued until validated
 20 pursuant to chapter 75, unless a state of emergency is
 21 declared by executive order or proclamation of the Governor
 22 pursuant to s. 252.36 making such findings as are necessary to
 23 determine that it is in the best interests of, and necessary
 24 for, the protection of the public health, safety, and general
 25 welfare of residents of this state and the protection and
 26 preservation of the economic stability of insurers operating
 27 in this state, and declaring it an essential public purpose to
 28 permit certain municipalities or counties to issue bonds as
 29 will provide relief to claimants and policyholders of the
 30 association and insurers responsible for apportionment of plan
 31 losses. Any such unit of local government may enter into such

1 contracts with the association and with any other entity
2 created pursuant to this subsection as are necessary to carry
3 out this paragraph. Any bonds issued under this
4 sub-subparagraph shall be payable from and secured by moneys
5 received by the association from assessments under this
6 subparagraph, and assigned and pledged to or on behalf of the
7 unit of local government for the benefit of the holders of
8 such bonds. The funds, credit, property, and taxing power of
9 the state or of the unit of local government shall not be
10 pledged for the payment of such bonds. If any of the bonds
11 remain unsold 60 days after issuance, the department shall
12 require all insurers subject to assessment to purchase the
13 bonds, which shall be treated as admitted assets; each insurer
14 shall be required to purchase that percentage of the unsold
15 portion of the bond issue that equals the insurer's relative
16 share of assessment liability under this subsection. An
17 insurer shall not be required to purchase the bonds to the
18 extent that the department determines that the purchase would
19 endanger or impair the solvency of the insurer. The authority
20 granted by this sub-subparagraph is additional to any bonding
21 authority granted by subparagraph 6.

22 3. The plan shall also provide that any member with a
23 surplus as to policyholders of \$20 million or less writing 25
24 percent or more of its total countrywide property insurance
25 premiums in this state may petition the department, within the
26 first 90 days of each calendar year, to qualify as a limited
27 apportionment company. The apportionment of such a member
28 company in any calendar year for which it is qualified shall
29 not exceed its gross participation, which shall not be
30 affected by the formula for voluntary writings. In no event
31 shall a limited apportionment company be required to

1 participate in any apportionment of losses pursuant to
2 sub-sub-subparagraph 2.d.(I) or sub-sub-subparagraph 2.d.(II)
3 in the aggregate which exceeds \$50 million after payment of
4 available plan funds in any calendar year. However, a limited
5 apportionment company shall collect from its policyholders any
6 emergency assessment imposed under sub-sub-subparagraph
7 2.d.(III). The plan shall provide that, if the department
8 determines that any regular assessment will result in an
9 impairment of the surplus of a limited apportionment company,
10 the department may direct that all or part of such assessment
11 be deferred. However, there shall be no limitation or
12 deferment of an emergency assessment to be collected from
13 policyholders under sub-sub-subparagraph 2.d.(III).

14 4. The plan shall provide for the deferment, in whole
15 or in part, of a regular assessment of a member insurer under
16 sub-sub-subparagraph 2.d.(I) or sub-sub-subparagraph 2.d.(II),
17 but not for an emergency assessment collected from
18 policyholders under sub-sub-subparagraph 2.d.(III), if, in the
19 opinion of the commissioner, payment of such regular
20 assessment would endanger or impair the solvency of the member
21 insurer. In the event a regular assessment against a member
22 insurer is deferred in whole or in part, the amount by which
23 such assessment is deferred may be assessed against the other
24 member insurers in a manner consistent with the basis for
25 assessments set forth in sub-sub-subparagraph 2.d.(I) or
26 sub-sub-subparagraph 2.d.(II).

27 5.a. The plan of operation may include deductibles and
28 rules for classification of risks and rate modifications
29 consistent with the objective of providing and maintaining
30 funds sufficient to pay catastrophe losses.

31

1 b. The association may require arbitration of a rate
 2 filing under s. 627.062(6). It is the intent of the
 3 Legislature that the rates for coverage provided by the
 4 association be actuarially sound and not competitive with
 5 approved rates charged in the admitted voluntary market such
 6 that the association functions as a residual market mechanism
 7 to provide insurance only when the insurance cannot be
 8 procured in the voluntary market. The plan of operation shall
 9 provide a mechanism to assure that, beginning no later than
 10 January 1, 1999, the rates charged by the association for each
 11 line of business are reflective of approved rates in the
 12 voluntary market for hurricane coverage for each line of
 13 business in the various areas eligible for association
 14 coverage.

15 c. The association shall provide for windstorm
 16 coverage on residential properties in limits up to \$10 million
 17 for commercial lines residential risks and up to \$1 million
 18 for personal lines residential risks. If coverage with the
 19 association is sought for a residential risk valued in excess
 20 of these limits, coverage shall be available to the risk up to
 21 the replacement cost or actual cash value of the property, at
 22 the option of the insured, if coverage for the risk cannot be
 23 located in the authorized market. The association must accept
 24 a commercial lines residential risk with limits above \$10
 25 million or a personal lines residential risk with limits above
 26 \$1 million if coverage is not available in the authorized
 27 market. The association may write coverage above the limits
 28 specified in this subparagraph with or without facultative or
 29 other reinsurance coverage, as the association determines
 30 appropriate.

31

1 d. The plan of operation must provide objective
2 criteria and procedures, approved by the department, to be
3 uniformly applied for all applicants in determining whether an
4 individual risk is so hazardous as to be uninsurable. In
5 making this determination and in establishing the criteria and
6 procedures, the following shall be considered:

7 (I) Whether the likelihood of a loss for the
8 individual risk is substantially higher than for other risks
9 of the same class; and

10 (II) Whether the uncertainty associated with the
11 individual risk is such that an appropriate premium cannot be
12 determined.

13
14 The acceptance or rejection of a risk by the association
15 pursuant to such criteria and procedures must be construed as
16 the private placement of insurance, and the provisions of
17 chapter 120 do not apply.

18 e. The policies issued by the association must provide
19 that if the association obtains an offer from an authorized
20 insurer to cover the risk at its approved rates under either a
21 standard policy including wind coverage or, if consistent with
22 the insurer's underwriting rules as filed with the department,
23 a basic policy including wind coverage, the risk is no longer
24 eligible for coverage through the association. Upon
25 termination of eligibility, the association shall provide
26 written notice to the policyholder and agent of record stating
27 that the association policy must be canceled as of 60 days
28 after the date of the notice because of the offer of coverage
29 from an authorized insurer. Other provisions of the insurance
30 code relating to cancellation and notice of cancellation do
31 not apply to actions under this sub-subparagraph.

1 f. Association policies and applications must include
 2 a notice that the association policy could, under this
 3 section, be replaced with a policy issued by an authorized
 4 insurer that does not provide coverage identical to the
 5 coverage provided by the association. The notice shall also
 6 specify that acceptance of association coverage creates a
 7 conclusive presumption that the applicant or policyholder is
 8 aware of this potential.

9 6.a. The plan of operation may authorize the formation
 10 of a private nonprofit corporation, a private nonprofit
 11 unincorporated association, a partnership, a trust, a limited
 12 liability company, or a nonprofit mutual company which may be
 13 empowered, among other things, to borrow money by issuing
 14 bonds or by incurring other indebtedness and to accumulate
 15 reserves or funds to be used for the payment of insured
 16 catastrophe losses. The plan may authorize all actions
 17 necessary to facilitate the issuance of bonds, including the
 18 pledging of assessments or other revenues.

19 b. Any entity created under this subsection, or any
 20 entity formed for the purposes of this subsection, may sue and
 21 be sued, may borrow money; issue bonds, notes, or debt
 22 instruments; pledge or sell assessments, market equalization
 23 surcharges and other surcharges, rights, premiums, contractual
 24 rights, projected recoveries from the Florida Hurricane
 25 Catastrophe Fund, other reinsurance recoverables, and other
 26 assets as security for such bonds, notes, or debt instruments;
 27 enter into any contracts or agreements necessary or proper to
 28 accomplish such borrowings; and take other actions necessary
 29 to carry out the purposes of this subsection. The association
 30 may issue bonds or incur other indebtedness, or have bonds
 31 issued on its behalf by a unit of local government pursuant to

1 subparagraph (g)2., in the absence of a hurricane or other
 2 weather-related event, upon a determination by the association
 3 subject to approval by the department that such action would
 4 enable it to efficiently meet the financial obligations of the
 5 association and that such financings are reasonably necessary
 6 to effectuate the requirements of this subsection. Any such
 7 entity may accumulate reserves and retain surpluses as of the
 8 end of any association year to provide for the payment of
 9 losses incurred by the association during that year or any
 10 future year. The association shall incorporate and continue
 11 the plan of operation and articles of agreement in effect on
 12 the effective date of chapter 76-96, Laws of Florida, to the
 13 extent that it is not inconsistent with chapter 76-96, and as
 14 subsequently modified consistent with chapter 76-96. The board
 15 of directors and officers currently serving shall continue to
 16 serve until their successors are duly qualified as provided
 17 under the plan. The assets and obligations of the plan in
 18 effect immediately prior to the effective date of chapter
 19 76-96 shall be construed to be the assets and obligations of
 20 the successor plan created herein.

21 c. In recognition of s. 10, Art. I of the State
 22 Constitution, prohibiting the impairment of obligations of
 23 contracts, it is the intent of the Legislature that no action
 24 be taken whose purpose is to impair any bond indenture or
 25 financing agreement or any revenue source committed by
 26 contract to such bond or other indebtedness issued or incurred
 27 by the association or any other entity created under this
 28 subsection.

29 7. On such coverage, an agent's remuneration shall be
 30 that amount of money payable to the agent by the terms of his
 31 or her contract with the company with which the business is

1 placed. However, no commission will be paid on that portion of
2 the premium which is in excess of the standard premium of that
3 company.

4 8. Subject to approval by the department, the
5 association may establish different eligibility requirements
6 and operational procedures for any line or type of coverage
7 for any specified eligible area or portion of an eligible area
8 if the board determines that such changes to the eligibility
9 requirements and operational procedures are justified due to
10 the voluntary market being sufficiently stable and competitive
11 in such area or for such line or type of coverage and that
12 consumers who, in good faith, are unable to obtain insurance
13 through the voluntary market through ordinary methods would
14 continue to have access to coverage from the association. When
15 coverage is sought in connection with a real property
16 transfer, such requirements and procedures shall not provide
17 for an effective date of coverage later than the date of the
18 closing of the transfer as established by the transferor, the
19 transferee, and, if applicable, the lender.

20 9. Notwithstanding any other provision of law:

21 a. The pledge or sale of, the lien upon, and the
22 security interest in any rights, revenues, or other assets of
23 the association created or purported to be created pursuant to
24 any financing documents to secure any bonds or other
25 indebtedness of the association shall be and remain valid and
26 enforceable, notwithstanding the commencement of and during
27 the continuation of, and after, any rehabilitation,
28 insolvency, liquidation, bankruptcy, receivership,
29 conservatorship, reorganization, or similar proceeding against
30 the association under the laws of this state or any other
31 applicable laws.

1 b. No such proceeding shall relieve the association of
2 its obligation, or otherwise affect its ability to perform its
3 obligation, to continue to collect, or levy and collect,
4 assessments, market equalization or other surcharges,
5 projected recoveries from the Florida Hurricane Catastrophe
6 Fund, reinsurance recoverables, or any other rights, revenues,
7 or other assets of the association pledged.

8 c. Each such pledge or sale of, lien upon, and
9 security interest in, including the priority of such pledge,
10 lien, or security interest, any such assessments, emergency
11 assessments, market equalization or renewal surcharges,
12 projected recoveries from the Florida Hurricane Catastrophe
13 Fund, reinsurance recoverables, or other rights, revenues, or
14 other assets which are collected, or levied and collected,
15 after the commencement of and during the pendency of or after
16 any such proceeding shall continue unaffected by such
17 proceeding.

18 d. As used in this subsection, the term "financing
19 documents" means any agreement, instrument, or other document
20 now existing or hereafter created evidencing any bonds or
21 other indebtedness of the association or pursuant to which any
22 such bonds or other indebtedness has been or may be issued and
23 pursuant to which any rights, revenues, or other assets of the
24 association are pledged or sold to secure the repayment of
25 such bonds or indebtedness, together with the payment of
26 interest on such bonds or such indebtedness, or the payment of
27 any other obligation of the association related to such bonds
28 or indebtedness.

29 e. Any such pledge or sale of assessments, revenues,
30 contract rights or other rights or assets of the association
31 shall constitute a lien and security interest, or sale, as the

1 case may be, that is immediately effective and attaches to
 2 such assessments, revenues, contract, or other rights or
 3 assets, whether or not imposed or collected at the time the
 4 pledge or sale is made. Any such pledge or sale is effective,
 5 valid, binding, and enforceable against the association or
 6 other entity making such pledge or sale, and valid and binding
 7 against and superior to any competing claims or obligations
 8 owed to any other person or entity, including policyholders in
 9 this state, asserting rights in any such assessments,
 10 revenues, contract, or other rights or assets to the extent
 11 set forth in and in accordance with the terms of the pledge or
 12 sale contained in the applicable financing documents, whether
 13 or not any such person or entity has notice of such pledge or
 14 sale and without the need for any physical delivery,
 15 recordation, filing, or other action.

16 f. There shall be no liability on the part of, and no
 17 cause of action of any nature shall arise against, any member
 18 insurer or its agents or employees, agents or employees of the
 19 association, members of the board of directors of the
 20 association, or the department or its representatives, for any
 21 action taken by them in the performance of their duties or
 22 responsibilities under this subsection. Such immunity does not
 23 apply to actions for breach of any contract or agreement
 24 pertaining to insurance, or any willful tort.

25 Section 80. Effective January 1, 1999, subsections (8)
 26 and (11) of section 320.771, Florida Statutes, are repealed.

27 Section 81. Subsection (3) of section 322.1615,
 28 Florida Statutes, is amended to read:

29 322.1615 Learner's driver's license.--

30 (3) A person who holds a learner's driver's license
 31 may operate a vehicle only during daytime ~~daylight~~ hours,

1 except that the holder of a learner's driver's license may
2 operate a vehicle during nighttime hours, but no later than 10
3 p.m., ~~between the hours of 7 p.m. and 10 p.m.~~ 3 months after
4 the issuance of the learner's driver's license.

5 Section 82. Section 331.304, Florida Statutes, is
6 amended to read:

7 331.304 Spaceport territory.--The following property
8 shall constitute spaceport territory:

9 (1) Certain real property located in Brevard County
10 that is included within the 1997 boundaries of Patrick Air
11 Force Base, Cape Canaveral Air Station, John F. Kennedy Space
12 Center with the following boundaries:

13 ~~(a) Northern boundary--Latitude 28°32'30" North.~~

14 ~~(b) Eastern boundary--The mean high water line of the~~
15 ~~shore along the Atlantic Ocean.~~

16 ~~(c) Western boundary--Cape Road (State Road 401).~~

17 ~~(d) Southern boundary--Latitude 28°26' North.~~

18 (2) Certain real property located in Gulf County with
19 the following boundaries:

20 (a) Northern boundary--Latitude 29°40'45" North from
21 longitude 85°20' West in a westerly direction to the mean high
22 water line of the Gulf of Mexico.

23 (b) Eastern boundary--Longitude 85°20' West.

24 (c) Western boundary--The mean high water line of the
25 shore along the Gulf of Mexico.

26 (d) Southern boundary--The mean high water line of the
27 shore along the Gulf of Mexico.

28 (3) Certain real property located in Santa Rosa,
29 Okaloosa, and Walton Counties that is included within the 1997
30 boundaries of Eglin Air Force Base.

31

1 Section 83. Subsection (6) of section 322.28, Florida
2 Statutes, is amended to read:

3 322.28 Period of suspension or revocation.--

4 (6) No court shall stay the administrative suspension
5 of a driving privilege under s. 322.2615 or s. 322.2616 ~~shall~~
6 ~~be stayed upon a request for~~ during judicial review of the
7 departmental order that resulted in such suspension and
8 ~~except as provided in former s. 322.261,~~ no suspension or
9 revocation of a driving privilege shall be stayed upon an
10 appeal of the conviction or order that resulted therein.

11 Section 84. Section 332.003, Florida Statutes, is
12 amended to read:

13 332.003 Florida Airport Development and Assistance
14 Act; short title.--Sections 332.003-332.009 ~~332.003-332.007~~
15 may be cited as the "Florida Airport Development and
16 Assistance Act."

17 Section 85. Subsections (1) and (5) of section
18 332.004, Florida Statutes, are amended to read:

19 332.004 Definitions of terms used in ss.

20 332.003-332.007.--As used in ss. 332.003-332.007, the term:

21 (1) "Airport" means any area of land or water, or any
22 manmade object or facility located therein, which is used, or
23 intended for public use, for the landing and takeoff of
24 aircraft, including reusable launch vehicles and other space
25 transportation systems, and any appurtenant areas which are
26 used, or intended for public use, for airport buildings or
27 other airport facilities or rights-of-way.

28 (5) "Airport or aviation discretionary capacity
29 improvement projects" or "discretionary capacity improvement
30 projects" means capacity improvements which are consistent, to
31 the maximum extent feasible, with the approved local

1 government comprehensive plans of the units of local
2 government in which the airport is located, and which enhance
3 intercontinental or space transportation capacity at airports
4 which:

5 (a) Are international airports with United States
6 Customs Service or a spaceport as defined in s. 331.303(19);

7 (b) Had one or more orbital flights or regularly
8 scheduled intercontinental flights during the previous
9 calendar year or have an agreement in writing for installation
10 of one or more orbital flights or regularly scheduled
11 intercontinental flights upon the commitment of funds for
12 stipulated airport capital improvements; and

13 (c) Have available or planned public ground
14 transportation between the airport and other major
15 transportation facilities.

16 Section 86. Paragraph (a) of subsection (7) of section
17 332.007, Florida Statutes, is amended to read:

18 332.007 Administration and financing of aviation and
19 airport programs and projects; state plan.--

20 (7) Subject to the availability of appropriated funds
21 in addition to aviation fuel tax revenues, the department may
22 participate in the capital cost of eligible public airport and
23 aviation discretionary capacity improvement projects. The
24 annual legislative budget request shall be based on the
25 funding required for discretionary capacity improvement
26 projects in the aviation and airport work program.

27 (a) The department shall provide priority funding in
28 support of:

29 1. Land acquisition which provides additional capacity
30 at the qualifying international airport or at that airport's
31 supplemental air carrier airport.

1 2. Runway and taxiway projects that add capacity or
2 are necessary to accommodate technological changes in the
3 aviation industry.

4 3. Airport access transportation projects that improve
5 direct airport access and are approved by the airport sponsor.

6 4. International terminal projects that increase
7 international gate capacity.

8 5. Commercial and dual-use space transportation
9 projects.

10 Section 87. Section 332.009, Florida Statutes, is
11 created to read:

12 332.009 Nothing in this chapter shall be construed to
13 authorize expenditure of aviation fuel tax revenues on space
14 transportation projects. Nothing in this chapter shall be
15 construed to limit the department's authority under s.
16 331.360.

17 Section 88. Present subsections (15) through (30) of
18 section 334.044, Florida Statutes, are renumbered as
19 subsections (16) through (31), respectively, and a new
20 subsection (15) is added to that section, to read:

21 334.044 Department; powers and duties.--The department
22 shall have the following general powers and duties:

23 (15) To regulate and prescribe conditions for the
24 transfer of stormwater to the state right-of-way as a result
25 of man-made changes to adjacent properties.

26 (a) Such regulation shall be through a permitting
27 process designed to ensure the safety and integrity of the
28 Department of Transportation facilities and to prevent an
29 unreasonable burden on lower properties.

30 (b) The department is specifically authorized to adopt
31 rules which set forth the purpose, necessary definitions,

1 permit exceptions, permit and assurance requirements, permit
2 application procedures, permit forms, general conditions for a
3 drainage permit, provisions for suspension or revocation of a
4 permit, and provisions for department recovery of fines,
5 penalties and costs incurred due to permittee actions. In
6 order to avoid duplication and overlap with other units of
7 government, the department shall accept a surface water
8 management permit issued by a water management district, the
9 Department of Environmental Protection, a surface water
10 management permit issued by a delegated local government or a
11 permit issued pursuant to an approved Stormwater Management
12 Plan or Master Drainage Plan; provided issuance is based on
13 requirements equal to or more stringent than those of the
14 department.

15 Section 89. Subsection (15) of section 334.044,
16 Florida Statutes, as created by section 1 of Committee
17 Substitute for Senate Bill 846 as enacted by the Legislature
18 during 1998 Regular Session is repealed.

19 Section 90. Subsection (1) of section 334.0445,
20 Florida Statutes, is amended to read:

21 334.0445 Model career service classification and
22 compensation plan.--

23 (1) Effective July 1, 1994, the Legislature grants to
24 the Department of Transportation in consultation with the
25 Department of Management Services, the Executive Office of the
26 Governor, legislative appropriations committees, legislative
27 personnel committees, and the affected certified bargaining
28 unions, the authority on a pilot basis to develop and
29 implement a model career service classification and
30 compensation system. Such system shall be developed for use by
31 all state agencies. Authorization for this program will end

1 June 30, 2000 ~~be for 3 fiscal years beginning July 1, 1994,~~
2 ~~and ending June 30, 1997;~~ however, the department may elect or
3 be directed by the Legislature to return to the current system
4 at anytime during this period if the model system does not
5 meet the stated goals and objectives.

6 Section 91. Subsection (1) of section 335.0415,
7 Florida Statutes, is amended to read:

8 335.0415 Public road jurisdiction and transfer
9 process.--

10 (1) The jurisdiction of public roads and the
11 responsibility for operation and maintenance within the
12 right-of-way of any road within the state, county, and
13 municipal road system shall be that which existed on June 10,
14 1995 ~~exists on July 1, 1995.~~

15 Section 92. Section 335.165, Florida Statutes, is
16 repealed.

17 Section 93. Paragraph (a) of subsection (8) of section
18 337.11, Florida Statutes, is amended to read:

19 337.11 Contracting authority of department; bids;
20 emergency repairs, supplemental agreements, and change orders;
21 combined design and construction contracts; progress payments;
22 records; requirements of vehicle registration.--

23 (8)(a) The department shall permit the use of written
24 supplemental agreements and written change orders to any
25 contract entered into by the department. Any supplemental
26 agreement shall be reduced to written contract form, ~~approved~~
27 ~~by the contractor's surety,~~ and executed by the contractor and
28 the department. Any supplemental agreement modifying any item
29 in the original contract must be approved by the head of the
30 department, or his or her designee, and executed by the
31 appropriate person designated by him or her.

1 Section 94. Section 337.185, Florida Statutes, is
2 amended to read:

3 337.185 State Arbitration Board.--

4 (1) To facilitate the prompt settlement of claims for
5 additional compensation arising out of construction contracts
6 between the department and the various contractors with whom
7 it transacts business, the Legislature does hereby establish
8 the State Arbitration Board, referred to in this section as
9 the "board." For the purpose of this section, "claim" shall
10 mean the aggregate of all outstanding claims by a party
11 arising out of a construction contract. Every contractual
12 claim in an amount up to ~~\$250,000~~~~\$100,000~~ per contract or, at
13 the claimant's option, up to \$500,000~~\$250,000~~ per contract
14 that cannot be resolved by negotiation between the department
15 and the contractor shall be arbitrated by the board after
16 acceptance of the project by the department. As an exception,
17 either party to the dispute may request that the claim be
18 submitted to binding private arbitration. A court of law may
19 not consider the settlement of such a claim until the process
20 established by this section has been exhausted.

21 (2) The board shall be composed of three members. One
22 member shall be appointed by the head of the department, and
23 one member shall be elected by those construction companies
24 who are under contract with the department. The third member
25 shall be chosen by agreement of the other two members.
26 Whenever the third member has a conflict of interest regarding
27 affiliation with one of the parties, the other two members
28 shall select an alternate member for that hearing. The head of
29 the department may select an alternative or substitute to
30 serve as the department member for any hearing or term. Each
31 member shall serve a 2-year term. The board shall elect a

1 chair, each term, who shall be the administrator of the board
2 and custodian of its records.

3 (3) A hearing may be requested by the department or by
4 a contractor who has a dispute with the department which,
5 under the rules of the board, may be the subject of
6 arbitration. The board shall conduct the hearing within 45
7 days of the request. The party requesting the board's
8 consideration shall give notice of the hearing to each member.
9 If the board finds that a third party is necessary to resolve
10 the dispute, the board may vote to dismiss the claim, which
11 may thereafter be pursued in accordance with the laws of the
12 State of Florida ~~a court of law~~.

13 (4) All members shall be necessary to conduct a
14 meeting. Upon being called into session, the board shall
15 promptly proceed to a determination of the issue or issues in
16 dispute.

17 (5) When a valid contract is in effect defining the
18 rights, duties, and liabilities of the parties with respect to
19 any matter in dispute, the board shall have power only to
20 determine the proper interpretation and application of the
21 contract provisions which are involved. Any investigation
22 made by less than the whole membership of the board shall be
23 by authority of a written directive by the chair, and such
24 investigation shall be summarized in writing and considered by
25 the board as part of the record of its proceedings.

26 (6) The board shall hand down its order within 60 days
27 after it is called into session. If all three members of the
28 board do not agree, the order of the majority will constitute
29 the order of the board.

30 (7) The members ~~member~~ of the board ~~elected by~~
31 ~~construction companies and the third member of the board~~ may

1 receive compensation for the performance of their duties
 2 hereunder, from administrative fees received by the board,
 3 except that no employee of the department may receive
 4 compensation from the board. The compensation amount shall be
 5 determined by the board, but shall not exceed \$125 per hour,
 6 up to a maximum of \$1,000~~\$750~~ per day for each member
 7 authorized to receive compensation. Nothing in this section
 8 shall prevent the member elected by construction companies
 9 from being an employee of an association affiliated with the
 10 industry, even if the sole responsibility of that member is
 11 service on the board. Travel expenses for the industry member
 12 may be paid by an industry association, if necessary. The
 13 board may allocate funds annually for clerical and other
 14 administrative services.

15 (8) The party requesting arbitration shall pay a fee
 16 to the board in accordance with a schedule established by it,
 17 not to exceed \$500 per claim which is \$25,000 or less, not to
 18 exceed \$1,000 per claim which is in excess of \$25,000 but not
 19 exceeding \$50,000, not to exceed \$1,500 per claim which is in
 20 excess of \$50,000 but not exceeding \$100,000, not to exceed
 21 \$2,000 per claim which is in excess of \$100,000 but not
 22 exceeding \$200,000, ~~and~~ not to exceed \$3,000~~\$2,500~~ per claim
 23 which is in excess of \$200,000 but not exceeding \$300,000
 24 ~~\$250,000~~, not to exceed \$4,000 per claim which is in excess of
 25 \$300,000 but not exceeding \$400,000, and not to exceed \$5,000
 26 per claim which is in excess of \$400,000 but not exceeding
 27 \$500,000, to cover the cost of administration and compensation
 28 of the board.

29 (9) The board in its order may apportion the fee set
 30 out in subsection (8), and the cost of recording and preparing
 31

1 a transcript of the hearing, among the parties in accordance
2 with the board's finding of liability.

3 Section 95. Subsection (1) of section 337.19, Florida
4 Statutes, is amended to read:

5 337.19 Suits by and against department; limitation of
6 actions; forum.--

7 (1) Suits at law and in equity may be brought and
8 maintained by and against the department on any contract claim
9 arising from the breach of an express provision or an implied
10 covenant of a written agreement or a written directive issued
11 by the department pursuant to the written agreement. In any
12 such suit, the department and the contractor shall have all of
13 the same rights, obligations, remedies, and defenses as a
14 private person under a like contract, except that no liability
15 may be based on an oral modification of the written contract
16 or written directive. However, this section shall not be
17 construed to in any way prohibit the department from limiting
18 its liability or damages through provisions in its contracts.
19 Notwithstanding anything to the contrary contained herein, no
20 employee or agent of the department may be held personally
21 liable to an extent greater than that under s. 768.28 ~~under~~
22 ~~contract for work done~~; provided, that no suit sounding in
23 tort shall be maintained against the department.

24 Section 96. Subsection (1) of section 337.403, Florida
25 Statutes, is amended to read:

26 337.403 Relocation of utility; expenses.--

27 (1) Any utility heretofore or hereafter placed upon,
28 under, over, or along any public road or publicly owned rail
29 corridor that is found by the authority to be unreasonably
30 interfering in any way with the convenient, safe, or
31 continuous use, or the maintenance, improvement, extension, or

1 expansion, of such public road or publicly owned rail corridor
 2 shall, upon 30 days' written notice to the utility or its
 3 agent by the authority, be removed or relocated by such
 4 utility at its own expense except as provided in paragraphs
 5 (a), and (b), and (c).

6 (a) If the relocation of utility facilities, as
 7 referred to in s. 111 of the Federal-Aid Highway Act of 1956,
 8 Pub. L. No. 627 of the 84th Congress, is necessitated by the
 9 construction of a project on the federal-aid interstate
 10 system, including extensions thereof within urban areas, and
 11 the cost of such project is eligible and approved for
 12 reimbursement by the Federal Government to the extent of 90
 13 percent or more under the Federal Aid Highway Act, or any
 14 amendment thereof, then in that event the utility owning or
 15 operating such facilities shall relocate such facilities upon
 16 order of the department, and the state shall pay the entire
 17 expense properly attributable to such relocation after
 18 deducting therefrom any increase in the value of the new
 19 facility and any salvage value derived from the old facility.

20 (b) When a joint agreement between the department and
 21 the utility is executed for utility improvement, relocation,
 22 or removal work to be accomplished as part of a contract for
 23 construction of a transportation facility, the department may
 24 participate in those utility improvement, relocation, or
 25 removal costs that exceed the department's official estimate
 26 of the cost of such work by more than 10 percent. The amount
 27 of such participation shall be limited to the difference
 28 between the official estimate of all the work in the joint
 29 agreement plus 10 percent and the amount awarded for this work
 30 in the construction contract for such work. The department may
 31 not participate in any utility improvement, relocation, or

1 removal costs that occur as a result of changes or additions
2 during the course of the contract.

3 (c) When an agreement between the department and
4 utility is executed for utility improvement, relocation, or
5 removal work to be accomplished in advance of a contract for
6 construction of a transportation facility, the department may
7 participate in the cost of clearing and grubbing necessary to
8 perform such work.

9 Section 97. Section 338.229, Florida Statutes, is
10 amended to read:

11 338.229 Pledge to bondholders not to restrict certain
12 rights of department.--The state does pledge to, and agree
13 with, the holders of the bonds issued pursuant to ss.
14 338.22-338.241 ~~338.22-338.244~~ that the state will not limit or
15 restrict the rights vested in the department to construct,
16 reconstruct, maintain, and operate any turnpike project as
17 defined in ss. 338.22-338.241 ~~338.22-338.244~~ or to establish
18 and collect such tolls or other charges as may be convenient
19 or necessary to produce sufficient revenues to meet the
20 expenses of maintenance and operation of the turnpike system
21 and to fulfill the terms of any agreements made with the
22 holders of bonds authorized by this act and that the state
23 will not in any way impair the rights or remedies of the
24 holders of such bonds until the bonds, together with interest
25 on the bonds, are fully paid and discharged. In implementing
26 this section, the department is specifically authorized to
27 provide for further restrictions on the sale, transfer, lease,
28 or other disposition or operation of any portion of the
29 turnpike system, which reduces the revenue available for
30 payment to bondholders.

31

1 Section 98. Subsections (3) and (23) of section
2 479.01, Florida Statutes, are amended to read:

3 479.01 Definitions.--As used in this chapter, the
4 term:

5 (3) "Commercial or industrial zone" means a parcel of
6 land ~~an area within 660 feet of the nearest edge of the~~
7 ~~right-of-way of the interstate or federal-aid primary system~~
8 designated ~~predominately~~ for commercial or industrial use
9 under both the future land use map of the comprehensive plan
10 and the land use development regulations adopted pursuant to
11 chapter 163. Where a parcel is located in an area designated
12 for multiple uses on the future land use map of the
13 comprehensive plan, and the land development regulations do
14 not clearly designate the parcel for a specific use, the area
15 will be considered an unzoned commercial or industrial area if
16 it meets the criteria of subsection (23)~~where a local~~
17 ~~governmental entity has not enacted a comprehensive plan by~~
18 ~~local ordinance but has zoning regulations governing the area,~~
19 ~~the zoning of an area shall determine whether the area is~~
20 ~~designated predominately for commercial or industrial uses.~~

21 (23)(a) "Unzoned commercial or industrial area" means
22 a parcel of land designated by the ~~an area within 660 feet of~~
23 ~~the nearest edge of the right-of-way of the interstate or~~
24 ~~federal-aid primary system where the land use is not covered~~
25 ~~by a future land use map of the comprehensive plan for~~
26 multiple uses, including commercial or industrial uses, but
27 not specifically designated for commercial or industrial uses
28 under the land development regulations ~~or zoning regulation~~
29 ~~pursuant to subsection (2), in which there are located three~~
30 ~~or more separate and distinct~~ conforming industrial or
31 commercial activities such that:

1 1. At least one of the commercial or industrial
2 activities is located on the same side of the highway and
3 within 800 feet of the sign location;

4 2. The commercial or industrial activities are within
5 660 feet from the nearest edge of the right-of-way; and

6 3. The commercial or industrial activities are within
7 1,600 feet of each other.

8
9 Distances shall be measured from the nearest outer edge of the
10 primary building or, when the individual units of a building
11 complex are connected by covered walkways, from the nearest
12 outer edge of the primary building complex.~~uses located~~
13 ~~within a 1,600-foot radius of each other and generally~~
14 ~~recognized as commercial or industrial by zoning authorities~~
15 ~~in this state.~~

16 (b) Certain activities, including, but not limited to,
17 the following, may not be so recognized as commercial or
18 industrial:

19 1.(a) Signs.

20 2. Communication towers.

21 3.(b) Agricultural, forestry, ranching, grazing,
22 farming, and related activities, including, but not limited
23 to, wayside fresh produce stands.

24 4.(c) Transient or temporary activities.

25 5.(d) Activities not visible from the main-traveled
26 way.

27 6.(e) Activities conducted more than 660 feet from the
28 nearest edge of the right-of-way.

29 7.(f) Activities conducted in a building principally
30 used as a residence.

31 8.(g) Railroad tracks and minor sidings.

1 Section 99. Paragraph (b) of subsection (8) of section
2 479.07, Florida Statutes, is amended to read:

3 479.07 Sign permits.--

4 (8)

5 (b) If a permittee has not submitted his or her fee
6 payment by the expiration date of the licenses or permits, the
7 department shall send a notice of violation to the permittee
8 within 45 days after the expiration date, requiring the
9 payment of the permit fee within 30 days after the date of the
10 notice and payment of a delinquency fee equal to 10 percent of
11 the original amount due or, in the alternative to these
12 payments, requiring the filing of a request for an
13 administrative hearing to show cause why his or her sign
14 should not be subject to immediate removal due to expiration
15 of his or her license or permit. If the permittee submits
16 payment as required by the violation notice, his or her
17 license or permit will be automatically reinstated and such
18 reinstatement will be retroactive to the original expiration
19 date. If the permittee does not respond to the notice of
20 violation within the 30-day period, the department shall,
21 within 30 days, issue a final notice of sign removal and may,
22 following 90 days after the date of the department's final
23 notice of sign removal, remove the sign without incurring any
24 liability as a result of such removal. However, if at any time
25 ~~prior to removal of the sign within 90 days after the date of~~
26 ~~the department's final notice of sign removal~~, the permittee
27 demonstrates that a good faith error on the part of the
28 permittee resulted in cancellation or nonrenewal of the
29 permit, the department may reinstate the permit if:

30 1. ~~The sign has not yet been disassembled by the~~
31 ~~permittee;~~

1 ~~2. Conflicting applications have not been filed by~~
2 ~~other persons.~~

3 1.3. A The permit reinstatement fee of up to \$300 is
4 paid, based on the size of the sign;

5 ~~2.4.~~ All other permit renewal and delinquent permit
6 fees due as of the reinstatement date are paid; and

7 ~~3.5.~~ The permittee reimburses the department for all
8 actual costs resulting from the permit cancellation or
9 nonrenewal ~~and sign removal.~~

10
11 Conflicting applications filed by other persons for the same
12 or competing site covered by a permit subject to the
13 provisions of this paragraph shall not be approved until after
14 the sign subject to the expired permit has been removed.

15 Section 100. Subsection (15) of section 479.16,
16 Florida Statutes, is amended to read:

17 479.16 Signs for which permits are not required.--The
18 following signs are exempt from the requirement that a permit
19 for a sign be obtained under the provisions of this chapter
20 but are required to comply with the provisions of s.
21 479.11(4)-(8):

22 (15) Signs not in excess of 16 square feet placed at a
23 road junction with the State Highway System denoting only the
24 distance or direction of a residence or farm operation, or, in
25 a rural area where a hardship is created because a small
26 business is not visible from the road junction with the State
27 Highway System, one sign not in excess of 16 ~~8~~ square feet,
28 denoting only the name of the business and the distance and
29 direction to the business. The small-business-sign provision
30 of this subsection does not apply to charter counties and may
31 not be implemented if the Federal Government notifies the

1 department that implementation will adversely affect the
 2 allocation of federal funds to the department.

3 Section 101. Subsection (1) of section 14 of chapter
 4 96-423, Laws of Florida, is amended to read:

5 Section 14. (1) Notwithstanding chapter 253, Florida
 6 Statutes, or chapter 270, Florida Statutes, the Department of
 7 Transportation, on behalf of the Board of Trustees of the
 8 Internal Improvement Trust Fund, may sell the state real
 9 property located at 5200 East Colonial Drive, Orlando,
 10 Florida, which is utilized by the Department of Highway Safety
 11 and Motor Vehicles. Any such sale shall be at fair market
 12 value. Proceeds from the sale shall be deposited in the State
 13 Transportation Trust Fund.~~or the existing lease between the~~
 14 ~~Board of Trustees of the Internal Improvement Trust Fund and~~
 15 ~~the Department of Business and Professional Regulation for use~~
 16 ~~of the regional service center located at 133 South Semoran~~
 17 ~~Boulevard, Orlando, Florida, the department, with the~~
 18 ~~technical assistance and staff support of the Department of~~
 19 ~~Management Services, may sell the regional service center.~~
 20 ~~Proceeds from the sale shall be deposited in the Professional~~
 21 ~~Regulation Trust Fund and distributed to the accounts of the~~
 22 ~~professions, based on each profession's pro rata share of the~~
 23 ~~costs of the original purchase and renovation of the real~~
 24 ~~estate.~~The Board of Trustees of the Internal Improvement
 25 Trust Fund shall execute and deliver a deed of conveyance for
 26 the purpose of carrying into effect a contract or agreement of
 27 sale.

28 Section 102. When the Department of Transportation
 29 receives federal funds through reauthorization of the Federal
 30 Intermodal Surface Transportation Efficiency Act, the
 31 department shall expend \$5,000,000 from the State

1 Transportation Trust fund for Orlando Area Metropolitan
2 Planning Organization project No. 5147232, for the
3 construction of an interchange on Interstate 4 at Conroy Road.

4 Section 103. Effective October 1, 1998, subsection (1)
5 of section 832.06, Florida Statutes, is amended to read:

6 832.06 Prosecution for worthless checks given tax
7 collector for licenses or taxes; refunds.--

8 (1) Whenever any person, firm, or corporation violates
9 the provisions of s. 832.05 by drawing, making, uttering,
10 issuing, or delivering to any county tax collector any check,
11 draft, or other written order on any bank or depository for
12 the payment of money or its equivalent for any tag, title,
13 lien, tax (except ad valorem taxes), penalty, or fee relative
14 to a boat, airplane, or motor vehicle; any occupational
15 license, beverage license, or sales or use tax; ~~or~~ any hunting
16 or fishing license; or any driver license or identification
17 card, the county tax collector, after the exercise of due
18 diligence to locate the person, firm, or corporation which
19 drew, made, uttered, issued, or delivered the check, draft, or
20 other written order for the payment of money, or to collect
21 the same by the exercise of due diligence and prudence, shall
22 swear out a complaint in the proper court against the person,
23 firm, or corporation for the issuance of the worthless check
24 or draft. If the state attorney cannot sign the information
25 due to lack of proof, as determined by the state attorney in
26 good faith, for a prima facie case in court, he or she shall
27 issue a certificate so stating to the tax collector. If
28 payment of the dishonored check, draft, or other written
29 order, together with court costs expended, is not received in
30 full by the county tax collector within 30 days after service
31 of the warrant, 30 days after conviction, or 60 days after the

1 collector swears out the complaint or receives the certificate
 2 of the state attorney, whichever is first, the county tax
 3 collector shall make a written report to this effect to the
 4 Department of Highway Safety and Motor Vehicles relative to
 5 airplanes and motor vehicles, to the Department of
 6 Environmental Protection relative to boats, to the Department
 7 of Revenue relative to occupational licenses and the sales and
 8 use tax, to the Division of Alcoholic Beverages and Tobacco of
 9 the Department of Business and Professional Regulation
 10 relative to beverage licenses, or to the Game and Fresh Water
 11 Fish Commission relative to hunting and fishing licenses,
 12 containing a statement of the amount remaining unpaid on the
 13 worthless check or draft. If the information is not signed,
 14 the certificate of the state attorney is issued, and the
 15 written report of the amount remaining unpaid is made, the
 16 county tax collector may request the sum be forthwith refunded
 17 by the appropriate governmental entity, agency, or department.
 18 If a warrant has been issued and served, he or she shall
 19 certify to that effect, together with the court costs and
 20 amount remaining unpaid on the check. The county tax collector
 21 may request that the sum of money certified by him or her be
 22 forthwith refunded by the Department of Highway Safety and
 23 Motor Vehicles, the Department of Environmental Protection,
 24 the Department of Revenue, the Division of Alcoholic Beverages
 25 and Tobacco of the Department of Business and Professional
 26 Regulation, or the Game and Fresh Water Fish Commission to the
 27 county tax collector. Within 30 days after receipt of the
 28 request, the Department of Highway Safety and Motor Vehicles,
 29 the Department of Environmental Protection, the Department of
 30 Revenue, the Division of Alcoholic Beverages and Tobacco of
 31 the Department of Business and Professional Regulation, or the

1 Game and Fresh Water Fish Commission, upon being satisfied as
 2 to the correctness of the certificate of the tax collector, or
 3 the report, shall refund to the county tax collector the sums
 4 of money so certified or reported. If any officer of any court
 5 issuing the warrant is unable to serve it within 60 days after
 6 the issuance and delivery of it to the officer for service,
 7 the officer shall make a written return to the county tax
 8 collector to this effect. Thereafter, the county tax collector
 9 may certify that the warrant has been issued and that service
 10 has not been had upon the defendant and further certify the
 11 amount of the worthless check or draft and the amount of court
 12 costs expended by the county tax collector, and the county tax
 13 collector may file the certificate with the Department of
 14 Highway Safety and Motor Vehicles relative to motor vehicles
 15 and airplanes, with the Department of Environmental Protection
 16 relative to boats, with the Department of Revenue relative to
 17 occupational licenses and the sales and use tax, with the
 18 Division of Alcoholic Beverages and Tobacco of the Department
 19 of Business and Professional Regulation relative to beverage
 20 licenses, or with the Game and Fresh Water Fish Commission
 21 relative to hunting and fishing licenses, together with a
 22 request that the sums of money so certified be forthwith
 23 refunded by the Department of Highway Safety and Motor
 24 Vehicles, the Department of Environmental Protection, the
 25 Department of Revenue, the Division of Alcoholic Beverages and
 26 Tobacco of the Department of Business and Professional
 27 Regulation, or the Game and Fresh Water Fish Commission to the
 28 county tax collector, and within 30 days after receipt of the
 29 request, the Department of Highway Safety and Motor Vehicles,
 30 the Department of Environmental Protection, the Department of
 31 Revenue, the Division of Alcoholic Beverages and Tobacco of

1 the Department of Business and Professional Regulation, or the
2 Game and Fresh Water Fish Commission, upon being satisfied as
3 to the correctness of the certificate, shall refund the sums
4 of money so certified to the county tax collector.

5 Section 104. Paragraph (c) of subsection (3) of
6 section 319.23, Florida Statutes, is amended to read:

7 319.23 Application for, and issuance of, certificate
8 of title.--

9 (3) If a certificate of title has not previously been
10 issued for a motor vehicle or mobile home in this state, the
11 application, unless otherwise provided for in this chapter,
12 shall be accompanied by a proper bill of sale or sworn
13 statement of ownership, or a duly certified copy thereof, or
14 by a certificate of title, bill of sale, or other evidence of
15 ownership required by the law of the state or county from
16 which the motor vehicle or mobile home was brought into this
17 state. The application shall also be accompanied by:

18 (c) If the vehicle is an ancient or antique, ~~or~~
19 ~~collectible~~ vehicle as defined in s. 320.086, the application
20 shall be accompanied either by a certificate of title; a
21 notarized bill of sale and a registration; or a notarized bill
22 of sale, an affidavit by the owner defending the title from
23 all claims. The bill of sale must contain a complete vehicle
24 description to include the vehicle identification or engine
25 number, year make, color, selling price, and signatures of the
26 seller and purchaser.

27
28 Verification of the vehicle identification number shall not be
29 required for any new motor vehicle sold in this state by a
30 licensed motor vehicle dealer; any mobile home; any trailer or
31 semitrailer with a net weight of less than 2,000 pounds; or

1 any travel trailer, camping trailer, truck camper, or
2 fifth-wheel recreation trailer.

3 Section 105. Paragraph (e) of subsection (1),
4 paragraph (a) of subsection (2), and paragraph (e) of
5 subsection (3) of section 320.08, Florida Statutes, are
6 amended to read:

7 320.08 License taxes.--Except as otherwise provided
8 herein, there are hereby levied and imposed annual license
9 taxes for the operation of motor vehicles, mopeds, motorized
10 bicycles as defined in s. 316.003(2), and mobile homes, as
11 defined in s. 320.01, which shall be paid to and collected by
12 the department or its agent upon the registration or renewal
13 of registration of the following:

14 (1) MOTORCYCLES, MOPEDS, MOTORIZED BICYCLES.--

15 (e) An ancient or,~~antique, or collectible~~ motorcycle:
16 \$10 flat.

17 (2) AUTOMOBILES FOR PRIVATE USE.--

18 (a) An ancient or,~~antique, or collectible~~ automobile
19 as defined in s. 320.086 or street rod as defined in s.
20 320.0863: \$7.50 flat.

21 (3) TRUCKS.--

22 (e) An ancient or,~~antique, or collectible~~ truck as
23 defined in s. 320.086: \$7.50 flat.

24 Section 106. Section 320.086, Florida Statutes, is
25 amended to read:

26 320.086 Ancient or,~~antique, or collectible~~ motor
27 vehicles; "horseless carriage," antique, ~~collectible,~~or
28 historical license plates.--

29 (1) The owner of a motor vehicle for private use
30 manufactured in 1942 ~~1927~~ or earlier, equipped with an engine
31 manufactured in 1942 ~~1927~~ or earlier or manufactured to the

1 specifications of the original engine, and operated on the
2 streets and highways of this state shall, upon application in
3 the manner and at the time prescribed by the department and
4 upon payment of the license tax for an ancient motor vehicle
5 prescribed by s. 320.08(1)(e), (2)(a), or (3)(e), be issued a
6 special license plate for such motor vehicle. The license
7 plate shall be permanent and valid for use without renewal so
8 long as the vehicle is in existence. In addition to the
9 payment of all other fees required by law, the applicant shall
10 pay such fee for the issuance of the special license plate as
11 may be prescribed by the department commensurate with the cost
12 of its manufacture. The registration numbers and special
13 license plates assigned to such motor vehicles shall run in a
14 separate numerical series, commencing with "Horseless Carriage
15 No. 1," and the plates shall be of a distinguishing color.

16 ~~(2) The owner of a motor vehicle for private use~~
17 ~~manufactured between 1928 and 1945, inclusive, with an engine~~
18 ~~manufactured between 1928 and 1945, inclusive, or manufactured~~
19 ~~to the specifications of the original engine and operated on~~
20 ~~the streets and highways of this state shall, upon application~~
21 ~~in the manner and at the time prescribed by the department and~~
22 ~~upon payment of the license tax prescribed by s. 320.08(1)(e),~~
23 ~~(2)(a), or (3)(e), be issued a special license plate for such~~
24 ~~motor vehicle. In addition to the payment of all other fees~~
25 ~~required by law, the applicant shall pay such fee for the~~
26 ~~issuance of the special license plate as may be prescribed by~~
27 ~~the department commensurate with the cost of its manufacture.~~
28 ~~The registration numbers and special license plates assigned~~
29 ~~to such motor vehicles shall run in a separate numerical~~
30 ~~series, commencing with "Antique Vehicle No. 1," and the~~
31 ~~plates shall be of a distinguishing color.~~

1 ~~(2)(3)~~(a) The owner of a motor vehicle for private use
 2 manufactured after 1942 and of the age of 30 ~~20~~ years or more
 3 from the date of manufacture, equipped with an engine of the
 4 age of 30 ~~20~~ years or more from the date of manufacture, and
 5 operated on the streets and highways of this state may ~~shall~~,
 6 upon application in the manner and at the time prescribed by
 7 the department and upon payment of the license tax prescribed
 8 by s. 320.08(1)(e), (2)(a), or (3)(e), be issued a special
 9 license plate for such motor vehicle. In addition to the
 10 payment of all other fees required by law, the applicant shall
 11 pay such fee for the issuance of the special license plate as
 12 may be prescribed by the department commensurate with the cost
 13 of its manufacture. The registration numbers and special
 14 license plates assigned to such motor vehicles shall run in a
 15 separate numerical series, commencing with "Antique
 16 ~~Collectible~~ No. 1," and the plates shall be of a
 17 distinguishing color. The owner of such motor vehicle may,
 18 upon application and payment of the license tax prescribed by
 19 s. 320.08, be issued a regular Florida graphic license plate
 20 or specialty license plate in lieu of the special "Antique"
 21 license plate.

22 (b) Motor vehicles currently licensed under this
 23 section which have been issued a permanent license plate prior
 24 to October 1, 1998, shall maintain such plate unless the
 25 vehicle is transferred to a new owner. Motor vehicles
 26 currently licensed under this section with a "Collectible"
 27 license plate may retain that license plate until the next
 28 regularly scheduled replacement.

29 (3) The owner of an ancient or antique firefighting
 30 apparatus or other motor vehicle 30 years old or older which
 31 is only used in expositions or parades may, upon application

1 in the manner and at the time prescribed by the department and
 2 upon payment of the license tax prescribed by s. 320.08(2)(a),
 3 be issued a license plate as prescribed in subsection (1) or
 4 subsection (2). License plates issued under this subsection
 5 shall be permanent and valid for use without renewal as long
 6 as the vehicle is in existence and its use is consistent with
 7 this subsection. ~~Motor vehicles with a model year of~~
 8 ~~1928-1960, registered as ancient prior to July 1, 1996, shall~~
 9 ~~be grandfathered to maintain a permanent license plate unless~~
 10 ~~a vehicle with a model year of 1946-1960 is transferred to a~~
 11 ~~new owner. Upon transfer of a vehicle with a model year of~~
 12 ~~1946-1960, after July 1, 1996, the vehicle shall be registered~~
 13 ~~as a collectible and required to renew annually as prescribed~~
 14 ~~by s. 320.08.~~

15 (4) Any person who is the registered owner of a motor
 16 vehicle that is at least 20 years old or the registered owner
 17 of an ancient ~~or, antique, or collectible~~ motor vehicle as
 18 defined in this section may apply to the department for
 19 permission to use a historical Florida license plate which
 20 clearly represents the model year of the vehicle as a
 21 personalized prestige license plate. This plate shall be
 22 furnished by such person and shall be presented to the
 23 department with a reasonable fee to be determined by the
 24 department for approval and for authentication that the
 25 historic license plate and any applicable decals were issued
 26 by this state in the same year as the model year of the car or
 27 truck. The requirements of s. 320.0805(8)(b) do not apply to
 28 historical plates authorized under this subsection.

29 Section 107. Funds included in appropriation Item
 30 1916C of Chapter 94-357, Laws of Florida, may be used to
 31

1 purchase land at the Florida Highway Patrol station in Cross
2 City, Dixie County.

3 Section 108. In the event additional federal funds are
4 received through reauthorization of the Federal Intermodal
5 Surface Transportation Efficiency Act, the department shall
6 apply \$4.6 million to the Winchester and Englewood Corridor
7 projects, provided such use of transportation funds is
8 endorsed by the Charlotte and Sarasota/Manatee Metropolitan
9 Planning Organization. Prior to receiving any new federal
10 funds, the department shall allocate \$1 million to the
11 Winchester and Englewood Corridor projects as an advance on
12 the \$4.6 million of additional federal funds to be applied to
13 the projects.

14 Section 109. Except as otherwise provided herein, this
15 act shall take effect upon becoming a law.